WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

H E N R O L L E D

House Bill No. 2430
(By Mr. Speaker, Mr. Kiss)

Passed March 14, 1998

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2430

(BY MR. SPEAKER, MR. KISS)

[Passed March 14, 1998; in effect from passage]

AN ACT to amend and reenact section twenty-five, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state teachers retirement system; and retirement plan selection by teachers retired due to disability.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-25. Eligibility for retirement allowance.

1 Any member who has attained the age of sixty years or who has had thirty-five years of total service as a teacher in West Virginia, regardless of age, shall be eligible for an annuity. No new entrant nor present member shall be eligible for an annuity, however, if either has less than five years of service to his credit.

7 Any member who has attained the age of fifty-five years and who has served thirty years as a teacher in West...
Virginia shall be eligible for an annuity.

Any member who has served at least thirty but less than thirty-five years as a teacher in West Virginia and is less than fifty-five years of age shall be eligible for an annuity, but the same shall be the reduced actuarial equivalent of the annuity the member would have received if such member were age fifty-five at the time such annuity was applied for.

The request for any annuity shall be made by the member in writing to the retirement board, but in case of retirement for disability, the written request may be made by either the member or the employer.

A member shall be eligible for annuity for disability if he satisfies the conditions in either subsection (a) or subsection (b) and meets the conditions of subsection (c) as follows:

(a) His or her service as a teacher in West Virginia must total at least ten years, and service as a teacher must have been terminated because of disability, which disability must have caused absence from service for at least six months before his application for disability annuity is approved.

(b) His or her service as a teacher in West Virginia must total at least five years, and service as a teacher must have been terminated because of disability, which disability must have caused absence from service for at least six months before his or her application for disability annuity is approved and said disability is a direct and total result of an act of student violence directed toward the member.

(c) An examination by a physician or physicians selected by the retirement board must show that the member is at the time mentally or physically incapacitated for service as a teacher, that for such service the disability is total and likely to be permanent, and that he should be retired in consequence thereof.

Continuance of the disability of the retired teacher shall be established by medical examination, as prescribed
in the preceding paragraph, annually for five years after
retirement, and thereafter at such times as the retirement
board may require. Effective the first day of July, one
thousand nine hundred ninety-eight, a member who has
retired because of a disability may select an option of
payment under the provisions of section twenty-eight of
this article: Provided, That any option selected under the
provisions of section twenty-eight of this article shall be in
all respects the actuarial equivalent of the straight life
annuity benefit the disability retiree receives or would
receive if the options under section twenty-eight of this
chapter were not available and that no beneficiary or
beneficiaries of the disability annuitant may receive a
greater benefit, nor receive any benefit for a greater length
of time, than such beneficiary or beneficiaries would have
received had the disability retiree not made any election of
the options available under said section twenty-eight. In
determining the actuarial equivalence, the board shall take
into account the life expectancies of the member and the
beneficiary: Provided, however, That the life expectancies
may at the discretion of the board be established by an
underwriting medical director of a competent insurance
company offering annuities. Payment of the disability
annuity provided in this article shall cease immediately if
the retirement board finds that the disability of the retired
teacher no longer exists, or if the retired teacher refuses to
submit to medical examination as required by this section.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 1st day of April, 1998.

Governor