

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998

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House Bill No. 2430

(By Mr. Speaker, Mr. Kiss)

Passed March 14, 1998

In Effect from Passage

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

7 Any member who has attained the age of fifty-five
8 years and who has served thirty years as a teacher in West

9 Virginia shall be eligible for an annuity.

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

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

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

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

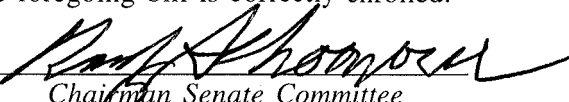
31 (b) His or her service as a teacher in West Virginia
32 must total at least five years, and service as a teacher must
33 have been terminated because of disability, which
34 disability must have caused absence from service for at
35 least six months before his or her application for disability
36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

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

45 Continuance of the disability of the retired teacher
46 shall be established by medical examination, as prescribed

47 in the preceding paragraph, annually for five years after
48 retirement, and thereafter at such times as the retirement
49 board may require. Effective the first day of July, one
50 thousand nine hundred ninety-eight, a member who has
51 retired because of a disability may select an option of
52 payment under the provisions of section twenty-eight of
53 this article: *Provided*, That any option selected under the
54 provisions of section twenty-eight of this article shall be in
55 all respects the actuarial equivalent of the straight life
56 annuity benefit the disability retiree receives or would
57 receive if the options under section twenty-eight of this
58 chapter were not available and that no beneficiary or
59 beneficiaries of the disability annuitant may receive a
60 greater benefit, nor receive any benefit for a greater length
61 of time, than such beneficiary or beneficiaries would have
62 received had the disability retiree not made any election of
63 the options available under said section twenty-eight. In
64 determining the actuarial equivalence, the board shall take
65 into account the life expectancies of the member and the
66 beneficiary: *Provided, however*, That the life expectancies
67 may at the discretion of the board be established by an
68 underwriting medical director of a competent insurance
69 company offering annuities. Payment of the disability
70 annuity provided in this article shall cease immediately if
71 the retirement board finds that the disability of the retired
72 teacher no longer exists, or if the retired teacher refuses to
73 submit to medical examination as required by this section.

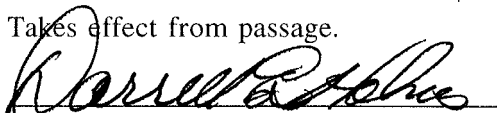
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

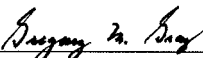

Chairman Senate Committee

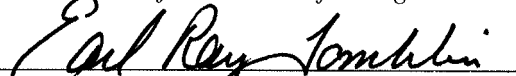

Chairman House Committee

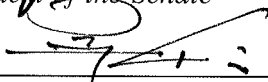
Originating in the House.

Takes effect from passage.

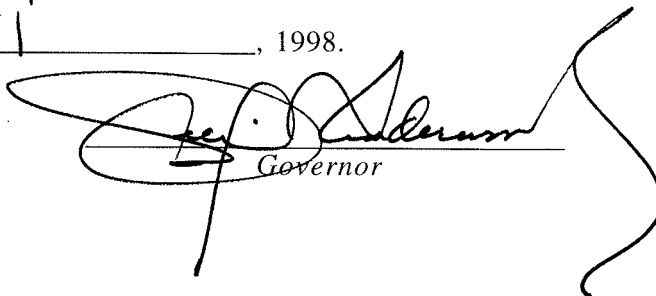

Clerk of the Senate


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

PRESENTED TO THE

GOVERNOR

Date 3/3/98

Time 11:05 am