

SB 553

FILED

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WEST VIRGINIA LEGISLATURE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2010

ENROLLED

Senate Bill No. 553

(BY SENATORS FOSTER, WHITE,
BROWNING AND PLYMALE)

[Passed March 5, 2010; in effect from passage.]

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[Passed March 5, 2010; in effect from passage.]

AN ACT to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; and extending the time for certain members to purchase additional service credit for service in the Teachers' Defined Contribution Retirement System.

Be it enacted by the Legislature of West Virginia:

That §18-7D-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7D. VOLUNTARY TRANSFER FROM TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM TO STATE TEACHERS RETIREMENT SYSTEM.

§18-7D-6. Service credit in State Teachers Retirement System following transfer; conversion of assets; adjustments.

1 (a) Any member who has affirmatively elected to
2 transfer to the State Teachers Retirement System within
3 the period provided in section seven of this article whose
4 assets have been transferred from the Teachers' Defined
5 Contribution Retirement System to the State Teachers

6 Retirement System pursuant to the provisions of this
7 article and who has not made any withdrawals or cash-
8 outs from his or her assets is, depending upon the percent-
9 age of actively contributing members affirmatively
10 electing to transfer, entitled to service credit in the State
11 Teachers Retirement System in accordance with the
12 provisions of subsection (c) of this section.

13 (b) Any member who has made withdrawals or cash-
14 outs will receive service credit based upon the amounts
15 transferred. The board shall make the appropriate
16 adjustment to the service credit the member will receive.

17 (c) More than seventy-five percent of actively contrib-
18 uting members of the Teachers' Defined Contribution
19 Retirement System affirmatively elected to transfer to the
20 State Teachers Retirement System within the period
21 provided in section seven of this article. Therefore, any
22 member of the Defined Contribution Retirement System
23 who decides to transfer to the State Teachers Retirement
24 System, calculates his or her service credit in the State
25 Teachers Retirement System as follows:

26 (1) For any member affirmatively electing to transfer,
27 the member's State Teachers Retirement System credit
28 shall be seventy-five percent of the member's Teachers'
29 Defined Contribution Retirement System service credit,
30 less any service previously withdrawn by the member or
31 due to a qualified domestic relations order and not repaid;

32 (2) To receive full credit in the State Teachers Retire-
33 ment System for service in the Teachers' Defined Contri-
34 bution Retirement System for which assets are transferred,
35 members who affirmatively elected to transfer and who
36 provided to the board a signed verification of cost for
37 service credit purchase form by the effective date of the
38 amendments to this section enacted in the 2009 regular
39 legislative session shall pay into the State Teachers
40 Retirement System a one and one-half percent contribu-

41 tion by no later than June 30, 2009, or no later than ninety
42 days after the postmarked date on a final and definitive
43 contribution calculation from the board, whichever is
44 later. This contribution shall be calculated as one and
45 one-half percent of the member's estimated total earnings
46 for which assets are transferred, plus interest of four
47 percent per annum accumulated from the date of the
48 member's initial participation in the Defined Contribution
49 Retirement System through June 30, 2009: *Provided,*
50 That any member who transferred and provided to the
51 board a signed verification of cost for service credit
52 purchase form by June 30, 2009 but was unable to com-
53 plete the purchase of the one and one-half percent contri-
54 bution, or any member who did not request a verification
55 of cost letter but attempted to purchase the one and one-
56 half percent contribution and was denied in writing by the
57 board on or before December 31, 2009, may request the
58 board on or before April 15, 2010, to recalculate the
59 contribution for 2010. To receive full credit, the member
60 shall pay into the State Teachers Retirement System the
61 recalculated purchase amount by June 30, 2010, or no later
62 than sixty days after the postmarked date on a contribu-
63 tion recalculation from the board, whichever is later. The
64 recalculated contribution shall include the interest loss at
65 the actuarial rate of seven and one-half percent. The
66 board's executive director may correct clerical errors.

67 (A) For a member contributing to the Defined Contribu-
68 tion Retirement System at any time during the 2008 fiscal
69 year and commencing membership in the State Teachers
70 Retirement System on July 1, 2008, or August 1, 2008, as
71 the case may be:

72 (i) The estimated total earnings shall be calculated
73 based on the member's salary and the member's age
74 nearest birthday on June 30, 2008;

75 (ii) This calculation shall apply both an annual back-
76 ward salary scale from that date for prior years' salaries

77 and a forward salary scale for the salary for the 2008 fiscal
78 year.

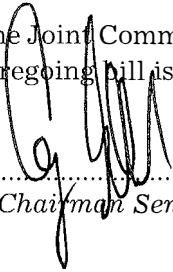
79 (B) The calculations in paragraph (A) of this subdivision
80 are based upon the salary scale assumption applied in the
81 West Virginia Teachers Retirement System actuarial
82 valuation as of July 1, 2007, prepared for the Consolidated
83 Public Retirement Board. This salary scale shall be
84 applied regardless of breaks in service.

85 (d) All service previously transferred from the State
86 Teachers Retirement System to the Teachers' Defined
87 Contribution Retirement System is considered Teachers'
88 Defined Contribution Retirement System service for the
89 purposes of this article.

90 (e) Notwithstanding any provision of this code to the
91 contrary, the retirement of a member who becomes eligible
92 to retire after the member's assets are transferred to the
93 State Teachers Retirement System pursuant to the provi-
94 sions of this article may not commence before September
95 1, 2008: *Provided*, That the Consolidated Public Retire-
96 ment Board may not retire any member who is eligible to
97 retire during the calendar year 2008 unless the member
98 has provided a written notice to his or her county board of
99 education by July 1, 2008, of his or her intent to retire.

100 (f) The provisions of section twenty-eight-e, article
101 seven-a of this chapter do not apply to the amendments to
102 this section enacted during the 2009 regular legislative
103 session.

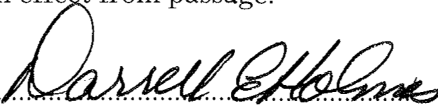
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

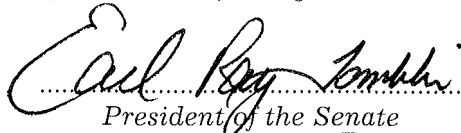

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Chairman House Committee

Originated in the Senate.

In effect from passage.



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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within re approved this the 16th
Day of March, 2010.


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Governor

PRESENTED TO THE
GOVERNOR

MAR 12 2018

Time 2:11 pm