

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4221**

4 (By Delegates Sponaugle, Young, Lynch, Barrett, Perry, Skaff,
5 Hartman, Reynolds, Guthrie, Pethtel and Williams)
6

7 (Originating in the House Committee on Finance.)

8 [February 21, 2014]
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10 A BILL to amend and reenact §18-7A-13a of the Code of West
11 Virginia, 1931, as amended, relating to permitting teachers
12 under the State Teachers Retirement System to teach college
13 level courses without loss of retirement annuity or benefits.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18-7A-13a of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted to read as follows:

17 **ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.**

18 **§18-7A-13a. Resumption of service by retired teachers.**

19 (a) For the purpose of this section, reemployment of a former
20 or retired teacher as a teacher shall in no way impair the
21 teacher's eligibility for a prior service pension or any other
22 benefit provided by this article.

23 (b) Retired teachers who qualified for an annuity because of
24 age or service may not receive prior service allowance from the
25 retirement board when employed as a teacher and when regularly

1 employed by the State of West Virginia. The payment of the
2 allowance shall be discontinued on the first day of the month
3 within which such employment begins and shall be resumed on the
4 first day of the month succeeding the month within which such
5 employment ceases. The annuity paid the teacher on first
6 retirement resulting from the Teachers' Accumulation Fund and the
7 Employers' Accumulation Fund shall continue throughout the
8 governmental service and thereafter according to the option
9 selected by the teacher upon first retirement.

10 (c) Retired teachers who qualified for an annuity because of
11 disability shall receive no further retirement payments if the
12 retirement board finds that the disability of the teacher no longer
13 exists; payment shall be discontinued on the first day of the month
14 within which the finding is made. If the retired teacher returns
15 to service as a teacher, he or she shall contribute to the
16 Teachers' Accumulation Fund as a member of the system. His or her
17 prior service eligibility, if any, shall not be impaired because of
18 his or her disability retirement. His or her accumulated
19 contributions which were transferred to the benefit fund upon his
20 or her retirement shall be returned to his or her individual
21 account in the Teachers' Accumulation Fund, minus retirement
22 payments received which were not supported by such contributions
23 and interest. Upon subsequent retirement, he or she shall receive
24 credit for all of his or her contributory experience, anything to

1 the contrary in this article notwithstanding.

2 (d) Notwithstanding any provision of this code to the
3 contrary, a person who retires under the system provided by this
4 article may subsequently become employed on either a full-time
5 basis, part-time basis or contract basis by any institution of
6 higher education without any loss of retirement annuity or
7 retirement benefits: ~~if the person's retirement commences between~~
8 ~~the effective date of the enactment of this section in 2002 and~~
9 ~~December 31, 2002:~~ *Provided,* That the person shall not be eligible
10 to participate in any other state retirement system provided by
11 this code, including any higher education retirement plan
12 authorized by section five, article seven, chapter eighteen-b of
13 this code.

14 (e) The retirement board is herewith authorized to require of
15 the retired teachers and their employers such reports as it deems
16 necessary to effectuate the provisions of this section.

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