

H. B. 4221

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

[Introduced January 17, 2014; referred to the
Committee on Pensions and Retirement then Finance.]

**FISCAL
NOTE**

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

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

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

(b) Retired teachers who qualified for an annuity because of

1 age or service may not receive prior service allowance from the
2 retirement board when employed as a teacher and when regularly
3 employed by the State of West Virginia. The payment of the
4 allowance shall be discontinued on the first day of the month
5 within which such employment begins and shall be resumed on the
6 first day of the month succeeding the month within which such
7 employment ceases. The annuity paid the teacher on first
8 retirement resulting from the Teachers' Accumulation Fund and the
9 Employers' Accumulation Fund shall continue throughout the
10 governmental service and thereafter according to the option
11 selected by the teacher upon first retirement.

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

1 payments received which were not supported by such contributions
2 and interest. Upon subsequent retirement, he or she shall receive
3 credit for all of his or her contributory experience, anything to
4 the contrary in this article notwithstanding.

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

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

NOTE: The purpose of this bill is to permit retired public school teachers to teach college level courses without loss of retirement benefits.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.