

S  
H  
1  
34  
5  
SB

FILED

2007 MAR 27 AM 10:45

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

---

**ENROLLED**

**Senate Bill No. 134**

(BY SENATORS FOSTER AND PLYMALE)

---

[Passed March 6, 2007; in effect ninety days from passage.]

FILED

2007 MAR 27 AM 10:46

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 134

(BY SENATORS FOSTER AND PLYMALE)

---

[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §18-7A-13a, §18-7A-14 and §18-7A-23 of the Code of West Virginia, 1931, as amended, all relating to the State Teachers Retirement System; establishing deadline for remittance of contributions due the State Teachers Retirement System; requiring that a summary of amounts of contributions withheld accompany the remittance; and clarifying certain terms used in the language of the statute.

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

That §18-7A-13a, §18-7A-14 and §18-7A-23 of the Code of West Virginia, 1931, as amended, be amended and reenacted,

all to read as follows:

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

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

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

5 (b) Retired teachers who qualified for an annuity  
6 because of age or service may not receive prior service  
7 allowance from the retirement board when employed as  
8 a teacher and when regularly employed by the State of  
9 West Virginia. The payment of the allowance shall be  
10 discontinued on the first day of the month within which  
11 such employment begins and shall be resumed on the  
12 first day of the month succeeding the month within  
13 which such employment ceases. The annuity paid the  
14 teacher on first retirement resulting from the Teachers'  
15 Accumulation Fund and the Employers' Accumulation  
16 Fund shall continue throughout the governmental  
17 service and thereafter according to the option selected  
18 by the teacher upon first retirement.

19 (c) Retired teachers who qualified for an annuity  
20 because of disability shall receive no further retirement  
21 payments if the retirement board finds that the  
22 disability of the teacher no longer exists; payment shall  
23 be discontinued on the first day of the month within  
24 which the finding is made. If the retired teacher returns  
25 to service as a teacher, he or she shall contribute to the  
26 Teachers' Accumulation Fund as a member of the  
27 system. His or her prior service eligibility, if any, shall  
28 not be impaired because of his or her disability

29 retirement. His or her accumulated contributions which  
30 were transferred to the benefit fund upon his or her  
31 retirement shall be returned to his or her individual  
32 account in the Teachers' Accumulation Fund, minus  
33 retirement payments received which were not supported  
34 by such contributions and interest. Upon subsequent  
35 retirement, he or she shall receive credit for all of his or  
36 her contributory experience, anything to the contrary in  
37 this article notwithstanding.

38 (d) Notwithstanding any provision of this code to the  
39 contrary, a person who retires under the system  
40 provided by this article may subsequently become  
41 employed on either a full-time basis, part-time basis or  
42 contract basis by any institution of higher education  
43 without any loss of retirement annuity or retirement  
44 benefits if the person's retirement commences between  
45 the effective date of the enactment of this section in two  
46 thousand two and the thirty-first day of December, two  
47 thousand two: *Provided*, That the person shall not be  
48 eligible to participate in any other state retirement  
49 system provided by this code.

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

**§18-7A-14. Contributions by members; contributions by  
employers.**

1 (a) At the end of each month every member of the  
2 retirement system shall contribute six percent of that  
3 member's monthly gross salary to the retirement board:  
4 *Provided*, That any member employed by a state

5 institution of higher education shall contribute on the  
6 member's full earnable compensation, unless otherwise  
7 provided in section fourteen-a of this article. The sums  
8 are due the Teachers Retirement System at the end of  
9 each calendar month in arrears and shall be paid not  
10 later than fifteen days following the end of the calendar  
11 month. Each remittance shall be accompanied by a  
12 detailed summary of the sums withheld from the  
13 compensation of each member for that month on forms,  
14 either paper or electronic, provided by the Teachers  
15 Retirement System for that purpose.

16 (b) Annually, the contributions of each member shall  
17 be credited to the member's account in the Teachers  
18 Retirement System Fund. The contributions shall be  
19 deducted from the salaries of the members as prescribed  
20 in this section and every member shall be considered to  
21 have given consent to the deductions. No deductions,  
22 however, shall be made from the earnable compensation  
23 of any member who retired because of age or service  
24 and then resumed service unless as provided in section  
25 thirteen-a of this article.

26 (c) The aggregate of employer contributions, due and  
27 payable under this article, shall equal annually the total  
28 deductions from the gross salary of members required  
29 by this section. Beginning the first day of July, one  
30 thousand nine hundred ninety-four, the rate shall be  
31 seven and one-half percent; beginning on the first day  
32 of July, one thousand nine hundred ninety-five, the rate  
33 shall be nine percent; beginning on the first day of July,  
34 one thousand nine hundred ninety-six, the rate shall be  
35 ten and one-half percent; beginning on the first day of  
36 July, one thousand nine hundred ninety-seven, the rate  
37 shall be twelve percent; beginning on the first day of

38 July, one thousand nine hundred ninety-eight, the rate  
39 shall be thirteen and one-half percent; and beginning on  
40 the first day of July, one thousand nine hundred ninety-  
41 nine and thereafter, the rate shall be fifteen percent:  
42 *Provided*, That the rate shall be seven and one-half  
43 percent for any individual who becomes a member of  
44 the Teachers Retirement System for the first time on or  
45 after the first day of July, two thousand five, or any  
46 individual who becomes a member of the Teachers  
47 Retirement System as a result of the merger  
48 contemplated in article seven-c of this chapter.

49 (d) Payment by an employer to a member of the sum  
50 specified in the employment contract minus the amount  
51 of the employee's deductions shall be considered to be  
52 a full discharge of the employer's contractual obligation  
53 as to earnable compensation.

54 (e) Each contributor shall file with the retirement  
55 board or with the employer to be forwarded to the  
56 retirement board an enrollment form showing the  
57 contributor's date of birth and other data needed by the  
58 retirement board.

**§18-7A-23. Withdrawal and death benefits.**

1 (a) Benefits upon withdrawal from service prior to  
2 retirement under the provisions of this article shall be  
3 as follows:

4 (1) A contributor who withdraws from service for any  
5 cause other than death or retirement shall, upon  
6 application, be paid his or her accumulated  
7 contributions up to the end of the fiscal year preceding  
8 the year in which application is made, but in no event

9 shall interest be paid beyond the end of five years  
10 following the year in which the last contribution was  
11 made: *Provided*, That such contributor, at the time of  
12 application, is then no longer under contract, verbal or  
13 otherwise, to serve as a teacher; or

14 (2) If such contributor has completed twenty years of  
15 total service, he or she may elect to receive at retirement  
16 age an annuity which shall be computed as provided in  
17 this article: *Provided*, That if such contributor has  
18 completed at least five, but fewer than twenty, years of  
19 total service in this state, he or she may elect to receive  
20 at age sixty-two an annuity which shall be computed as  
21 provided in this article. The contributor must notify the  
22 retirement board in writing concerning the election. If  
23 the contributor has completed fewer than five years of  
24 service in this state, he or she shall be subject to the  
25 provisions as outlined in subdivision (1) of this  
26 subsection.

27 (b) Benefits upon the death of a contributor prior to  
28 retirement under the provisions of this article shall be  
29 paid as follows:

30 (1) If the contributor was at least fifty years old and if  
31 his or her total service as a teacher was at least twenty-  
32 five years at the time of his or her death, then the  
33 surviving spouse of the deceased, provided the spouse is  
34 designated as the sole refund beneficiary, is eligible for  
35 an annuity computed as though the deceased were  
36 actually a retired teacher at the time of death and had  
37 selected a survivorship option which pays the spouse  
38 the same monthly amount which would have been  
39 received by the deceased; or

40 (2) If the facts do not permit payment under  
41 subdivision (1) of this subsection, then the following  
42 sum shall be paid to the refund beneficiary of the  
43 contributor: The contributor's accumulated  
44 contributions up to the year of his or her death plus an  
45 amount equal to his or her employee contributions. The  
46 latter sum shall emanate from the Employer's  
47 Accumulation Fund.




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

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within ..... *is approved* ..... this  
the *26th* Day of ..... *March* ..... 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:50 p