

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2041

**FISCAL
NOTE**

BY DELEGATES THOMPSON, MILLER AND THOMPSON, C.

[Introduced January 9, 2019; Referred
to the Committee on Pensions and Retirement then
Finance.]

1 A BILL to amend and reenact §18-7A-25 of the Code of West Virginia, 1931, as amended, relating
2 to the State Teachers Retirement System, permitting retirement after 25 years of
3 contributing service, regardless of age.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-25. Eligibility for retirement allowance.

1 (a) Except for a person who first becomes a member of the retirement system on or after
2 July 1, 2015, any actively contributing member who has attained the age of 60 years or any
3 member who has 35 years of total service as a teacher or nonteaching member in West Virginia,
4 regardless of age, is eligible for an annuity. No new entrant nor present member is eligible for an
5 annuity, however, if either has less than five years of service to his or her credit: *Provided, That*
6 on and after July 1, 2013, any person who becomes a new member of this retirement system
7 shall, in qualifying for retirement under this section, have five or more years of contributory service,
8 all of which shall be actual, contributory ones.

9 (b) Except for a person who first becomes a member of the retirement system on or after
10 July 1, 2015, any member who has attained the age of 55 years and who has served 30 years as
11 a teacher or nonteaching member in West Virginia is eligible for an annuity.

12 (c) Except for a person who first becomes a member of the retirement system on or after
13 July 1, 2015, any member who has served at least 30 but less than 35 years as a teacher or
14 nonteaching member in West Virginia and is less than 55 years of age is eligible for an annuity,
15 but the annuity shall be the reduced actuarial equivalent of the annuity the member would have
16 received if the member were age 55 at the time the annuity was applied for.

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

20 (e) A member is eligible for annuity for disability if he or she satisfies the conditions in

21 either subdivision (1) or (2) of this subsection and meets the conditions of subdivision (3) of this
22 subsection as follows:

23 (1) His or her service as a teacher or nonteaching member in West Virginia must total at
24 least 10 years and service as a teacher or nonteaching member must have been terminated
25 because of disability, which disability must have caused absence from service for at least six
26 months before his or her application for disability annuity is approved.

27 (2) His or her service as a teacher or nonteaching member in West Virginia must total at
28 least five years and service as a teacher or nonteaching member must have been terminated
29 because of disability, which disability must have caused absence from service for at least six
30 months before his or her application for disability annuity is approved and the disability is a direct
31 and total result of an act of student violence directed toward the member.

32 (3) An examination by a physician or physicians selected by the retirement board must
33 show that the member is at the time mentally or physically incapacitated for service as a teacher
34 or nonteaching member, that for that service the disability is total and likely to be permanent and
35 that he or she should be retired in consequence of the disability.

36 (f) Continuance of the disability of the retirant shall be established by medical examination,
37 as prescribed in subdivision (3), subsection (e) of this section, annually for five years after
38 retirement, and thereafter at such times required by the retirement board. Effective July 1,1998,
39 a member who has retired because of a disability may select an option of payment under the
40 provisions of §18-7A-28 of this code: *Provided*, That any option selected under the provisions of
41 §18-7A-28 of this code shall be in all respects the actuarial equivalent of the straight life annuity
42 benefit the disability retirant receives or would receive if the options under ~~said~~ the section were
43 not available and that no beneficiary or beneficiaries of the disability retirant may receive a greater
44 benefit, nor receive any benefit for a greater length of time, than the beneficiary or beneficiaries
45 would have received had the disability retirant not made any election of the options available
46 under ~~said~~ the section. In determining the actuarial equivalence, the retirement board shall take

47 into account the life expectancies of the member and the beneficiary: *Provided, however,* That
48 the life expectancies may at the discretion of the retirement board be established by an
49 underwriting medical director of a competent insurance company offering annuities. Payment of
50 the disability annuity provided in this article shall cease immediately if the retirement board finds
51 that the disability of the retirant no longer exists, or if the retirant refuses to submit to medical
52 examination as required by this section.

53 (g) On or after June 30, 2019, a teacher member of the State Teachers Retirement System
54 with 25 years of contributing service may retire regardless of age.

NOTE: The purpose of this bill is to permit teachers to retire after 25 years of contributing service regardless of age.

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