

HB 4623

FILED

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008

ENROLLED

House Bill No. 4623

(By Delegates Morgan, C. Miller and Craig)

Passed March 8, 2008

In Effect Ninety Days from Passage

E N R O L L E D

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H. B. 4623

OF DELEGATES
SECRETARY OF STATE

(BY DELEGATES MORGAN, C. MILLER AND CRAIG)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §18-23-4a of the Code of West Virginia, 1931, as amended, relating to the Higher Education Policy Commission; the Council for Community and Technical College Education; governing boards of state institutions of higher education; establishing minimum employer contributions; and allowing contributions to employee retirement plans by certain higher education employers to exceed the percentage contributions of employees.

Be it enacted by the Legislature of West Virginia:

That §18-23-4a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 23. ADDITIONAL POWERS, DUTIES AND RESPONSIBILITIES OF GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION.

§18-23-4a. Supplemental and additional retirement plans for employees; payroll deductions; authority to match employee contributions; retroactive curative and technical corrective action.

1 (a) Any reference in this code to the “additional
2 retirement plan” relating to state higher education employees,
3 means the “higher education retirement plan” provided in this
4 section. Any state higher education employee participating
5 in a retirement plan upon the effective date of this section
6 continues to participate in that plan and may not elect to
7 participate in any other state retirement plan. Any retirement
8 plan continues to be governed by the provisions of law
9 applicable on the effective date of this section.

10 (b) The Higher Education Policy Commission, on behalf
11 of the governing boards, Council for Community and
12 Technical College Education and itself, shall contract for a
13 retirement plan for its employees, to be known as the “Higher
14 Education Retirement Plan”. The governing boards, Council
15 for Community and Technical College Education and Higher
16 Education Policy Commission shall make periodic
17 deductions from the salary payments due the employees in
18 the amount they are required to contribute to the Higher
19 Education Retirement Plan, which deductions shall be six
20 percent.

21 (c) The Higher Education Policy Commission, Council
22 for Community and Technical College Education and the
23 governing boards, may contract for supplemental retirement
24 plans for any or all of their employees to supplement the
25 benefits the employees otherwise receive. The governing
26 boards, Council for Community and Technical College
27 Education and Higher Education Policy Commission may
28 make additional periodic deductions from the salary
29 payments due the employees in the amount they are required
30 to contribute for the supplemental retirement plan.

31 (d) Each governing board, the Council for Community
32 and Technical College Education and the Higher Education
33 Policy Commission, by way of additional compensation to
34 their employees, shall pay an amount, which, at a minimum,
35 equals the contributions of the employees into the higher
36 education retirement plan from funds appropriated to the
37 board or commission for personal services.

38 (e) As part of an overall compensation plan, the Higher
39 Education Policy Commission, the Council for Community
40 and Technical College Education or an institutional
41 governing board, each at its sole discretion, may increase its
42 contributions to any employee retirement plan to an amount
43 that exceeds the contributions of employees.

44 (f) Each participating employee has a full and immediate
45 vested interest in the retirement and death benefits accrued
46 from all the moneys paid into the Higher Education
47 Retirement Plan or a supplemental retirement plan for his or
48 her benefit. Upon proper requisition of a board, the Council
49 for Community and Technical College Education or the
50 Higher Education Policy Commission, the Auditor
51 periodically shall issue a warrant, payable as specified in the
52 requisition, for the total contributions so withheld from the
53 salaries of all participating employees and for the matching
54 funds of the governing board, Council for Community and
55 Technical College Education or Higher Education Policy
56 Commission.

57 (g) Any person whose employment commences on or
58 after the first day of July, one thousand nine hundred ninety-
59 one, and who is eligible to participate in the Higher
60 Education Retirement Plan, shall participate in that plan and
61 is not eligible to participate in any other state retirement
62 system: *Provided*, That the foregoing provision does not
63 apply to a person designated as a 21st Century Learner

64 Fellow pursuant to section eleven, article three, chapter
65 eighteen-a of this code. The additional retirement plan
66 contracted for by the governing boards prior to the first day
67 of July, one thousand nine hundred ninety-one, remains in
68 effect unless changed by the Higher Education Policy
69 Commission. Nothing in this section may be construed to
70 consider employees of the governing boards or the Council
71 for Community and Technical College Education as
72 employees of the Higher Education Policy Commission, nor
73 is the Higher Education Policy Commission responsible or
74 liable for retirement benefits contracted by, or on behalf of,
75 the governing boards or the Council for Community and
76 Technical College Education.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

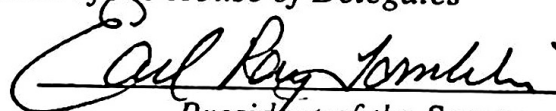
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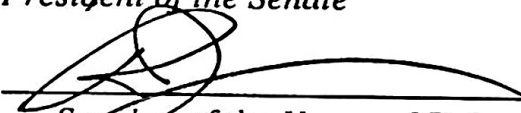
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 31st
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2008

Time

3:05 p