

**H. B. 2198**

(By Delegates Sponaugle, Perry, Pethtel and Longstreth)

[Introduced January 21, 2015; 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~~ does not 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 age or service may not receive prior service allowance from the retirement board when employed as a teacher and when regularly

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

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

18 (d) Notwithstanding any provision of this code to the contrary, a person who retires under  
19 the system provided by this article may subsequently become employed on either a full-time basis,  
20 part-time basis or contract basis by any institution of higher education without any loss of retirement  
21 annuity or retirement benefits: ~~if the person's retirement commences between the effective date of~~  
22 ~~the enactment of this section in 2002 and December 31, 2002:~~ *Provided*, That the person shall is

1 not ~~be~~ eligible to participate in any other state retirement system provided by this code.

2 (e) The retirement board is ~~herewith authorized to~~ may require of the retired teachers and  
3 their employers ~~such reports as it deems~~ considers necessary to effectuate the provisions of this  
4 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.