

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2198

FISCAL
NOTE

2015 Carryover

(BY DELEGATES SPONAUGLE, PERRY, PETHTEL AND
LONGSTRETH)

[Introduced January 13, 2016; referred to the
Committee on Pensions and Retirement then
Finance.]

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

Be it enacted by the Legislature of West Virginia:

1 That §18-7A-13a of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted 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 former or retired teacher as a
 2 teacher ~~shall in no way~~ does not impair the teacher's eligibility for a prior service pension or any
 3 other benefit provided by this article.

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

13 (c) Retired teachers who qualified for an annuity because of disability shall receive no
 14 further retirement payments if the retirement board finds that the disability of the teacher no longer
 15 exists; payment shall be discontinued on the first day of the month within which the finding is
 16 made. If the retired teacher returns to service as a teacher, he or she shall contribute to the

17 Teachers' Accumulation Fund as a member of the system. His or her prior service eligibility, if
18 any, shall not be impaired because of his or her disability retirement. His or her accumulated
19 contributions which were transferred to the benefit fund upon his or her retirement shall be
20 returned to his or her individual account in the Teachers' Accumulation Fund, minus retirement
21 payments received which were not supported by such contributions and interest. Upon
22 subsequent retirement, he or she shall receive credit for all of his or her contributory experience,
23 anything to the contrary in this article notwithstanding.

24 (d) Notwithstanding any provision of this code to the contrary, a person who retires under
25 the system provided by this article may subsequently become employed on either a full-time
26 basis, part-time basis or contract basis by any institution of higher education without any loss of
27 retirement annuity or retirement benefits: ~~if the person's retirement commences between the~~
28 ~~effective date of the enactment of this section in 2002 and December 31, 2002:~~ *Provided, That*
29 the person ~~shall~~ is not be eligible to participate in any other state retirement system provided by
30 this code.

31 (e) The retirement board ~~is herewith authorized to~~ may require of the retired teachers and
32 their employers ~~such~~ reports as it ~~deems~~ considers necessary to effectuate the provisions of this
33 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.