AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding article seven-a, establishing a retirement system for aged and incapacitated teachers in the employ of county boards of education, and providing for the administration thereof.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding article seven-a, as follows:

Article 7-a. State Teachers' Retirement Fund.

Section 1. Fund Established; Sources; Custodian of Fund.

There is hereby established a "State Teachers' Retirement Fund," which shall be made up of all moneys received from the following sources, or derived in the following manner:
Enrolled H. B. No. 200]

5 (1) Appropriations made by the Legislature from time
to time to carry into effect the purposes of this article;

7 (2) The income and interest derived from the investment
of moneys contained in such fund;

9 (3) All donations, legacies, gifts and bequests which shall
be made to such fund, and all moneys which shall be obtained
or contributed for the same purpose from any other sources.

12 The treasurer of the state of West Virginia shall be cus-
todian of the "State Teachers' Retirement Fund."

Sec. 2. Constitution of Board; Powers and Duties. The
state board of education shall constitute the "State Teachers'
Retirement Fund Board," hereby created. The president and
secretary of the state board of education shall be president
and secretary, respectively, of the state teachers' retirement
fund board.

7 The state teachers' retirement fund board, subject to the
provisions of this article, shall have the power, and it shall be
its duty:

10 (1) To approve and allow retirement salaries to public
school teachers entitled to the same under the provisions of
this article;
(2) Through its secretary, or other office designated by it for that purpose, to audit all claims and demands for money expended or authorized to be expended by it, and certify all claims and demands against the state teachers' retirement fund, including all retirement salary demands, to the state auditor, who shall draw his warrant therefor upon the state treasurer, payable out of said fund: Provided, That no demand shall be allowed except after resolution duly passed at a meeting of the board by a majority of its members, which adoption shall be attested by the secretary;

(3) To prescribe the duties of its secretary and other officials;

(4) To conduct investigations in all matters relating to the operation of this article, and to subpoena witnesses and compel their attendance to testify before it in respect to such matters;

(5) To make rules and regulations not inconsistent with the provisions of this article, which shall have the force and effect of law. Such rules and regulations shall, among other things;

(a) Establish a system of accounts showing the condition
of the state teachers' retirement fund, and receipts and disbursements for and on account of such fund;

(b) Prescribe the form of warrants, vouchers, receipts, reports, and accounts to be used in respect to said fund;

c) Provide for the conduct and regulation of the meetings of the board and the operation of the business thereof;

d) Prescribe the duties of boards of education in respect to providing the state teachers' retirement fund board with information needed in administering the provisions of this article;

e) Provide for the enforcement and carrying into effect of the provisions of this article.

Sec. 3. Board to Make and Enforce Rules. In addition to the powers hereinbefore enumerated, the state teachers' retirement fund board shall make and enforce all necessary and proper rules and regulations to govern the method of applying for and obtaining retirement salaries provided for in this article, and to govern the method of determining the right of each applicant to such retirement salary: Provided, however, That in all cases legal proof of all necessary facts shall be required and kept on file.
Sec. 4. Board to Meet at Least Once Every Four Months.

2 The state teachers' retirement fund board shall meet at least
3 once every four months.

Sec. 5. When Teacher is Entitled to Retire. Beginning
2 July first, one thousand nine hundred thirty-nine, and there-
3 after, every teacher, as defined in section one-a, article one,
4 chapter eight, acts of the Legislature, first extraordinary
5 session, one thousand nine hundred thirty-three, in the em-
6 ploy of a county board of education, who attains the age of
7 sixty-two years after twenty-five years teaching service, shall
8 be entitled to retire; or, if physically or mentally incapacitated
9 for the proper performance of the duties of teacher, may be
10 compelled to retire by the employing board: Provided, That
11 not less than twenty years of such service, including the ten
12 years immediately preceding retirement, shall have been in
13 the publicly supported schools of West Virginia: And, pro-
14 vided further, That the last five years of such service imme-
15 diately preceding retirement shall have been consecutive.
16 Upon written application of any such teacher, accompanied
17 by such evidence of eligibility as the state teachers' retire-
ment fund board may prescribe, said board shall retire such

teacher.

For purposes of this article, each year during which a
teacher taught a full term of school shall be counted as one
year of service, but only one year of service credit shall be
allowed for any one school year.

Sec. 6. Amount of Retirement Salary Teacher to Receive.

Every teacher retired by the state teachers' retirement fund
board under the provisions of this article shall receive a
monthly retirement salary equal to eight-tenths of a dollar
multiplied by the number of years service credited to such
teacher, payable twelve months per year out of the state
teachers' retirement fund in the manner specified in section
two of this article: Provided, however, That in case the re-
sources of the state teachers' retirement fund are insufficient
to permit payment of this amount to each teacher so retired
for any year, the state teachers' retirement fund board shall,
upon the basis hereinabove set forth, prorata such funds as
are available for that year among all teachers retired accord-
ing to the provisions of this article, and pay to each such
teacher the amount thus determined.
Sec. 7. Retirement Salary Ceases if Teacher is Reemployed.  

If any teacher retired under the provisions of this article shall be reemployed in the public schools of this state, such teacher's retirement salary shall cease. No retirement salary shall be paid to any teacher in service.

Sec. 8. Teacher to Draw Only One Retirement Salary; County Boards May Supplement Salaries. No teacher shall be permitted to draw from the state, directly or indirectly, more than one retirement salary. Nothing in this article shall be construed, however, as to prevent county boards of education or bodies of teachers from supplementing the retirement salary received by any teacher from the state, or paying retirement benefits to teachers not eligible to receive retirement salaries under the provisions of this article, in accordance with such regulations as the state board of education may prescribe under authority of section forty-two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

E. O. Weseman  
Chairman Senate Committee

De B. Everett  
Chairman House Committee

Originated in the               House of Delegates

Takes effect immediately upon passage.

Clerk of the Senate  

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within          day of  , 1933,
                      th

Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 17 1939

Wm. S. O'Brien,  
Secretary of State