

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 200

(By Mr. Hopkins)



PASSED March 10, 1939

In Effect ninety days from Passage

ENROLLED

House Bill No. 200

(By MR. HOPKINS)

[Passed March 10, 1939; in effect ninety days from passage.]

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.*

2 There is hereby established a "State Teachers' Retirement
3 Fund," which shall be made up of all moneys received from
4 the following sources, or derived in the following manner:

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

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

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

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

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

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

10 (1) To approve and allow retirement salaries to public
11 school teachers entitled to the same under the provisions of
12 this article;

13 (2) Through its secretary, or other office designated by
14 it for that purpose, to audit all claims and demands for money
15 expended or authorized to be expended by it, and certify all
16 claims and demands against the state teachers' retirement
17 fund, including all retirement salary demands, to the state
18 auditor, who shall draw his warrant therefor upon the state
19 treasurer, payable out of said fund: *Provided*, That no de-
20 mand shall be allowed except after resolution duly passed
21 at a meeting of the board by a majority of its members, which
22 adoption shall be attested by the secretary;

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

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

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

33 (a) Establish a system of accounts showing the condition

34 of the state teachers' retirement fund, and receipts and dis-
35 bursements for and on account of such fund;

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

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

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

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

Sec. 3. *Board to Make and Enforce Rules.* In addition to
2 the powers hereinbefore enumerated, the state teachers' re-
3 tirement fund board shall make and enforce all necessary
4 and proper rules and regulations to govern the method of
5 applying for and obtaining retirement salaries provided for
6 in this article, and to govern the method of determining the
7 right of each applicant to such retirement salary: *Provided,*
8 *however,* That in all cases legal proof of all necessary facts
9 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-

18 ment fund board may prescribe, said board shall retire such
19 teacher.

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

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

2 Every teacher retired by the state teachers' retirement fund
3 board under the provisions of this article shall receive a
4 monthly retirement salary equal to eight-tenths of a dollar
5 multiplied by the number of years service credited to such
6 teacher, payable twelve months per year out of the state
7 teachers' retirement fund in the manner specified in section
8 two of this article: *Provided, however,* That in case the re-
9 sources of the state teachers' retirement fund are insufficient
10 to permit payment of this amount to each teacher so retired
11 for any year, the state teachers' retirement fund board shall,
12 upon the basis hereinabove set forth, prorata such funds as
13 are available for that year among all teachers retired accord-
14 ing to the provisions of this article, and pay to each such
15 teacher the amount thus determined.

Sec. 7. *Retirement Salary Ceases if Teacher is Reemployed.*

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

Sec. 8. *Teacher to Draw Only One Retirement Salary;*

2 *County Boards May Supplement Salaries.* No teacher shall
3 be permitted to draw from the state, directly or indirectly,
4 more than one retirement salary. Nothing in this article shall
5 be construed, however, as to prevent county boards of educa-
6 tion or bodies of teachers from supplementing the retirement
7 salary received by any teacher from the state, or paying
8 retirement benefits to teachers not eligible to receive retire-
9 ment salaries under the provisions of this article, in accord-
10 ance with such regulations as the state board of education
11 may prescribe under authority of section forty-two, article
12 seven, chapter eighteen of the code of West Virginia, one
13 thousand nine hundred thirty-one.

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

E. O. Wiseman

Chairman Senate Committee

Rep. W. V. ...

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *seven days from* passage.

Charles ...

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegates

Wm. ...

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within *Approved* this the *16th*

day of *March*, 1939.

Wm. S. O'Brien

Governor.



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

Wm. S. O'BRIEN, Secretary of State