

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

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## ENROLLED

SENATE BILL NO. 85

(By Mr. McC Kown.....)

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PASSED March 14.....1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State  
of West Virginia **MAR 20 1959**  
JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 85**

(By MR. MCKOWN)

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[Passed March 14, 1959; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions of "teacher".

*Be it enacted by the Legislature of West Virginia:*

That section three, article seven-a, chapter eighteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Definitions.*—"Teacher" shall include the following persons, if regularly employed for at least half time service: (a) Any person employed for instructional service in the public schools of West Virginia; (b) Princi-

5 pals; (c) Public school librarians; (d) County superin-  
6 tendents of schools and assistant county superintendents  
7 of schools; (e) Any county school attendance director  
8 holding a West Virginia teachers' certificate; (f) The  
9 executive secretary of the retirement board; (g) Members  
10 of the research, extension, administrative or library staffs  
11 of the public schools; (h) The state superintendent of  
12 schools, heads and assistant heads of the divisions under  
13 his supervision, or any other employee thereunder per-  
14 forming services of an educational nature; (i) Employees  
15 of the state board of education who are performing serv-  
16 ices of an educational nature; (j) Any person employed  
17 in a nonteaching capacity by the state board of education,  
18 the board of governors of West Virginia university, any  
19 county board of education, the state department of edu-  
20 cation or the teachers' retirement board, if such person  
21 was formerly employed as a teacher in the public schools;  
22 (k) All classroom teachers, principals, and educational  
23 administrators in schools under the supervision of the  
24 state board of control; (l) Employees of the state board

25 of school finance if such person was formerly employed  
26 as a teacher in the public schools.

27 “Members of the administrative staff of the public  
28 schools” shall include deans of instruction, deans of men,  
29 deans of women, and financial and administrative secre-  
30 taries.

31 “Members of the extension staff” of the public schools  
32 shall include every agricultural agent, boys’ and girls’  
33 club agent, and every member of the agricultural exten-  
34 sion staff whose work is not primarily stenographic, cleri-  
35 cal, or secretarial.

36 “Retirement system” shall mean the state teachers’ re-  
37 tirement system provided for in this article.

38 “Present teacher” shall mean any person who was a  
39 teacher within the seven years beginning July first, one  
40 thousand nine hundred thirty-nine, and whose member-  
41 ship in the retirement system has been continuous.

42 “New entrant” shall mean a teacher who is not a pres-  
43 ent teacher.

44 “Present member” shall mean a present teacher who is  
45 a member of the retirement system.

46 "Total service" shall mean all service as a teacher while  
47 a member of the retirement system since last becoming  
48 a member and, in addition thereto, his credit for prior  
49 service, if any.

50 "Prior service" shall mean all service as a teacher com-  
51 pleted prior to July first, one thousand nine hundred  
52 forty-one, and all service of a present member who was  
53 employed as a teacher, and did not contribute to retire-  
54 ment account because he was legally ineligible for mem-  
55 bership during such service.

56 "Average final salary" shall mean the average annual  
57 salary earned as a teacher during the last fifteen years of  
58 prior service, including military service, as provided  
59 herein, or if prior service is less than fifteen years, the  
60 average annual salary for that period. If the records for  
61 determining each annual salary needed cannot reasonably  
62 be established by the retirement board, then the term  
63 shall mean the average annual salary of the teacher for  
64 years for which records are available.

65 "Accumulated contributions" shall mean all deposits  
66 and all deductions from the earnable compensation of a

67 contributor minus the total of all supplemental fees de-  
68 ducted from his compensation.

69 “Regular interest” shall mean interest at three percent  
70 compounded annually, or a higher earnable rate if ap-  
71 proved by the retirement board.

72 “Refund interest” shall mean the interest on refunds  
73 of the accumulated contributions and deposits payable  
74 to former members or to the beneficiaries of deceased  
75 members, as provided in this article. The rate for refund  
76 interest shall be the average annual rate of interest, cal-  
77 culated to one decimal place, earned on retirement board  
78 investments in effect at the end of the fiscal year for  
79 which the interest is due, according to the sworn state-  
80 ment of the fund custodian required by section nineteen  
81 of this article.

82 “Employer” shall mean the agency of and within the  
83 state which has employed or employs a member.

84 “Contributor” shall mean a member of the retirement  
85 system who has an account in the teachers accumulation  
86 fund.

87 : “Beneficiary” shall mean the recipient of annuity pay-  
88 ments made under the retirement system.

89 : “Refund beneficiary” shall mean the estate of a deceased  
90 contributor, or such person as he shall have nominated  
91 as beneficiary of his contributions by written designation  
92 duly executed and filed with the retirement board.

93 : “Earnable compensation” shall mean the full compensa-  
94 tion actually received by members for service as teachers  
95 whether or not a part of such compensation is received  
96 from other funds, federal or otherwise, than those pro-  
97 vided by the state or its subdivisions. Allowances from  
98 employers for maintenance of members shall be deemed  
99 a part of earnable compensation of such members.

100 : “Annuities” shall mean the annual retirement payments  
101 for life granted beneficiaries in accordance with this ar-  
102 ticle.

103 : “Member” shall mean a member of the retirement sys-  
104 tem.

105 : “Public schools” shall mean all publicly supported  
106 schools, including normal schools, colleges, and universi-  
107 ties in this state.

108 "Deposit" shall mean a voluntary payment to his ac-  
109 count by a member.

110 The masculine gender shall be construed so as to include  
111 the feminine.

112 Age in excess of seventy years shall be deemed to be  
113 seventy years.

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

*W. N. Jasper Jr.*  
Chairman Senate Committee

*Eudora Andrews*  
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

*J. Donnell Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*F. R. Pauley*  
Speaker House of Delegates

The within approved this the 20th  
day of March, 1959.

*W. H. Underwood*  
Governor

