

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1080

(By Mr. LOHR)



PASSED MARCH 13 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN B. COOPER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

1080

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[Passed March 13, 1971; in effect ninety days from passage.]

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 the definition of "refund interest" in relation to teachers retirement.

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:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7^A-3. Definitions.

1 "Teacher" shall include the following persons, if reg-
2 ularly employed for at least half-time service: (a) Any
3 person employed for instructional service in the public

4 schools of West Virginia; (b) principals; (c) public
5 school librarians; (d) superintendents of schools and as-
6 sistant county superintendents of schools; (e) any county
7 school attendance director holding a West Virginia
8 teacher's certificate; (f) the executive secretary of the
9 retirement board; (g) members of the research, exten-
10 sion, administrative or library staffs of the public schools;
11 (h) the state superintendent of schools, heads and as-
12 sistant heads of the divisions under his supervision, or
13 any other employee thereunder performing services of
14 an educational nature; (i) employees of the state board
15 of education who are performing services of an educa-
16 tional nature; (j) any person employed in a nonteaching
17 capacity by the state board of education, the West Vir-
18 ginia board of regents, any county board of education, the
19 state department of education or the teachers retirement
20 board, if such person was formerly employed as a teacher
21 in the public schools; (k) all classroom teachers, prin-
22 cipals and educational administrators in schools under the
23 supervision of the state commissioner of public institu-
24 tions; (l) employees of the state board of school finance

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

27 “Members of the administrative staff of the public school”
28 shall include dean of instruction, deans of men, deans of
29 women, and financial and administrative secretaries.

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

35 “Retirement system” shall mean the state teachers
36 retirement system provided for in this article.

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

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

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

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

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

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

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

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

68 “Regular interest” shall mean interest at three per-
69 cent compounded annually, or a higher earnable rate if
70 approved by the retirement board.

71 “Refund interest” shall mean interest compounded an-
72 nually at a rate of three percent.

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

75 “Contributor” shall mean a member of the retirement
76 system who has an account in the teachers accumulation
77 fund.

78 “Beneficiary” shall mean the recipient of annuity pay-
79 ments made under the retirement system.

80 “Refund beneficiary” shall mean the estate of a deceased
81 contributor, or such person as he shall have nominated
82 as beneficiary of his contributions by written designation
83 duly executed and filed with the retirement board.

84 “Earnable compensation” shall mean the full compen-
85 sation actually received by members for service as
86 teachers whether or not a part of such compensation is

87 received from other funds, federal or otherwise, than
88 those provided by the state or its subdivisions. Allow-
89 ances from employers for maintenance of members shall
90 be deemed a part of earnable compensation of such mem-
91 bers.

92 “Annuities” shall mean the annual retirement payments
93 for life granted beneficiaries in accordance with this
94 article.

95 “Member” shall mean a member of the retirement sys-
96 tem.

97 “Public schools” shall mean all publicly supported
98 schools, including normal schools, colleges, and universi-
99 ties in this state.

100 “Deposit” shall mean a voluntary payment to his account
101 by a member. The ^{mas}masuline gender shall be construed
102 so as to include the feminine. Age in excess of seventy
103 years shall be deemed to be seventy years.

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

Russell D. Beall
Chairman Senate Committee

Phillip J. Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McEauw
President of the Senate

Lewis T. McManus
Speaker House of Delegates

The within approved this the 1st
day of April, 1971.

Arch A. Shaw, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/71

Time 11:00 a.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA