WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 937

(By Mr. )

PASSED March 9, 1974

In Effect 90 days Passage

Filed in the Office
EDGAR F. HEISSBELL, III
SECRETARY OF STATE
THIS DATE 3/29/74
ENROLLED

H. B. 937

(By MR. GOODWIN and MR. LOHR)

[Passed March 9, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact sections thirteen and seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to membership in the retirement system; cessation of membership; payment for membership rights and statement and computation of teachers' service.

Be it enacted by the Legislature of West Virginia:

That sections thirteen and seventeen, 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.

§18-7A-13. Membership in retirement system; cessation of membership; payments for membership rights.

1 The membership of the retirement system shall consist of the following:

2 (a) All persons, except new entrants, employed as teachers at the time they become eligible for membership who, within a year after becoming eligible for membership, notify the retirement board in writing of their decision to become members.

3 Any such persons who fail to notify the board shall automatically be constituted members one year after they become eligible, unless the retirement board receives written notice from them declining membership in the system.
(b) New entrants, whose membership in the system shall be compulsory upon employment as teachers.

(c) The membership of the retirement system shall not include any person who is an active member of or who has been retired by the West Virginia public employees retirement system, the judge's retirement system, or the retirement system of the department of public safety.

The membership of any person in the retirement system shall cease:

1. Upon the withdrawal of his accumulated contributions after the cessation of teaching service, or
2. upon retirement, or
3. at death, or
4. if service amounts to less than five years in any period of ten consecutive years. For the sole purpose of preventing loss of membership under subdivision four, a deposit by the member to his individual account in the teachers accumulation fund of an amount equaling his last annual contribution shall be the amount necessary to maintain membership status for a period of one year.

Any former member of the retirement system who has withdrawn his accumulated contributions but subsequently re-enters the retirement system shall be permitted to repay to the retirement fund the amount withdrawn, plus payment for absence as provided herein, and shall be accorded all the rights to prior service and experience as he held at the time of withdrawal of such accumulated contributions.

Any person in subdivision (a) of this section who elects to become a member after having declined to accept membership, shall be permitted to enter the retirement system, but shall be accorded only the rights of a new entrant, unless he deposits in the reserve fund twenty-five dollars for each year of his prior service. After making such a deposit, he shall be deemed a present teacher, and may elect to contribute retroactively to retirement account for those years, if any, during which he served as a teacher but elected not to contribute. No member shall be eligible for prior service credit unless he is eligible for prior service pension, as prescribed by section twenty-two of this article; however, a new entrant who becomes a present
the teacher as provided in this paragraph shall be deemed eligible for prior service pension upon retirement.

§18-7A-17. Statement and computation of teachers' service.

Under such rules and regulations as the retirement board may adopt, each teacher shall file a detailed statement of his length of service as a teacher for which he claims credit. The retirement board shall determine what part of a year is the equivalent of a year of service. In computing such service, however, it shall credit no period of more than a month's duration during which a member was absent without pay, nor shall it credit for more than one year service performed in any calendar year.

For the purpose of this article, the retirement board shall grant prior service credit to new entrants and other members of the retirement system for service in any of the armed forces of the United States in any period of national emergency within which a federal selective service act was in effect. For purposes of this section, "armed forces" shall include Women's Army Corps, Women's Appointed Volunteers for Emergency Service, Army Nurse Corps, Spars, Women's Reserve and other similar units officially parts of the military service of the United States. Such military service shall be deemed equivalent to public school teaching, and the salary equivalent for each year of such service shall be the actual salary of the member as a teacher for his first year of teaching after discharge from military service. Prior service credit for military service shall not exceed ten years for any one member, nor shall it exceed twenty-five percent of total service at the time of retirement.

For service as a teacher in the employment of the federal government, or a state or territory of the United States, or a governmental subdivision of such state or territory the retirement board shall grant credit to the same extent and on the same conditions, if any, as a retirement system established for teachers in such employment would grant credit for service as a teacher in the public schools of West Virginia.

No member shall be deemed absent from service as a teacher while serving as a member of the Legislature of the state of
West Virginia during any duly constituted session of that body.

The teachers retirement board shall grant service credit to any former or present member of the West Virginia public employees retirement system who have been contributing members for more than three years, for service previously credited by the public employees retirement system, and (1) shall require the transfer of the member's contributions to the teachers retirement system or (2) shall require a repayment of the amount withdrawn any time prior to the member's retirement:

Provided, That there shall be added by the member to the amounts transferred or repaid under this paragraph an amount which shall be sufficient to equal the contributions he would have made had the member been under the teachers retirement system during the period of his membership in the public employees retirement system. Payments for absence as provided in section thirteen of this article, shall be paid in addition to the above amount, if applicable.

If a member is not eligible for prior service credit or pension as provided in this article, then his prior service shall not be deemed a part of his total service.

A member who withdrew from membership shall be permitted to regain his former membership rights as specified in section thirteen of this article only in case he has served two years since his last withdrawal.

Subject to the above provisions, the board shall verify as soon as practicable, the statements of service submitted. The retirement board shall issue prior service certificates to all persons eligible therefor under the provisions of this article. Such certificates shall state the length of such prior service credit, but in no case shall the prior service credit exceed forty years.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

D. Howard Lundy  
Chairman Senate Committee

Claude E. Chestnut  
Chairman House Committee

Originated in the House.  
Takes effect ninety days from passage.

Howard H. Faison  
Clerk of the Senate

CA Blankenship  
Clerk of the House of Delegates

W.R. Brotherton, Jr.  
President of the Senate

Louis A. M. Mann  
Speaker House of Delegates

The within approved this the 26th day of March, 1974.  
A.R.A. Perdue  
Governor
PRESENTED TO THE GOVERNOR

Date 3/18/74
Time 3:05 p.m.