

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974



ENROLLED

HOUSE BILL No. 937

(By Mr. Headwin of Mr. Lohr)



PASSED March 9 1974

In Effect 90 days Passage



937

FILED IN THE OFFICE
EDGAR F. WEISKILL 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
2 the following:

3 (a) All persons, except new entrants, employed as teachers
4 at the time they become eligible for membership who, within
5 a year after becoming eligible for membership, notify the re-
6 tirement board in writing of their decision to become members.
7 Any such persons who fail to notify the board shall automati-
8 cally be constituted members one year after they become eligi-
9 ble, unless the retirement board receives written notice from
10 them declining membership in the system.

11 (b) New entrants, whose membership in the system shall be
12 compulsory upon employment as teachers.

13 (c) The membership of the retirement system shall not in-
14 clude any person who is an active member of or who has been
15 retired by the West Virginia public employees retirement sy-
16 stem, the judge's retirement system, or the retirement system
17 of the department of public safety.

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

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

29 Any former member of the retirement system who has
30 withdrawn his accumulated contributions but subsequently re-
31 enters the retirement system shall be permitted to repay to the
32 retirement fund the amount withdrawn, plus payment for ab-
33 sence as provided herein, and shall be accorded all the rights
34 to prior service and experience as he held at the time of with-
35 drawal of such accumulated contributions.

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

48 teacher as provided in this paragraph shall be deemed eligible
49 for prior service pension upon retirement.

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

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

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

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

33 No member shall be deemed absent from service as a teach-
34 er while serving as a member of the Legislature of the state of

35 West Virginia during any duly constituted session of that
36 body.

37 The teachers retirement board shall grant service credit to
38 any former or present member of the West Virginia public
39 employees retirement system who have been contributing mem-
40 bers for more than three years, for service previously credited
41 by the public employees retirement system, and (1) shall re-
42 quire the transfer of the member's contributions to the teach-
43 ers retirement system or (2) shall require a repayment of the
44 amount withdrawn any time prior to the member's retirement:
45 *Provided*, That there shall be added by the member to the
46 amounts transferred or repaid under this paragraph an
47 amount which shall be sufficient to equal the contributions
48 he would have made had the member been under the
49 teachers retirement system during the period of his member-
50 ship in the public employees retirement system. Payments
51 for absence as provided in section thirteen of this article, shall
52 be paid in addition to the above amount, if applicable.

53 If a member is not eligible for prior service credit or pen-
54 sion as provided in this article, then his prior service shall not
55 be deemed a part of his total service.

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

60 Subject to the above provisions, the board shall verify as
61 soon as practicable, the statements of service submitted. The
62 retirement board shall issue prior service certificates to all
63 persons eligible therefor under the provisions of this article.
64 Such certificates shall state the length of such prior service
65 credit, but in no case shall the prior service credit exceed
66 forty years.

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

H. Daniel Darty
Chairman Senate Committee

Clarence C. Chestnut, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Haward Watson
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

H. P. Brotherton, Jr.
President of the Senate

Lewis A. McMane
Speaker House of Delegates

The within approved this the 26th
day of March, 1974.

Arwa P. P. P.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/74

Time 3:05 p.m.