

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

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# ENROLLED

HOUSE BILL No. 937

(By Mr. Goodwin & Mr. Lohr)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



FILED IN THE OFFICE  
JEROME F. NEISHELL III  
SECRETARY OF STATE  
THIS DATE 3/29/74

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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 Lardy  
Chairman Senate Committee

Clarence C. Chestnut, Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

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

Lewis A. McManis  
Speaker House of Delegates

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

Arch A. Shaffer, Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

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