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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

HOUSE BILL No. 1163

(By Mr. Donkey)

— ● —

PASSED March 6, 1976

In Effect ninty days from Passage



FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/12/76

ENROLLED

H. B. 1163

(By MR. DONLEY)

[Passed March 6, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state teachers retirement system; statement and computation of teacher's service; providing for service credit not exceeding three years for approved absence where a member or retired teacher is serving or has served as an officer with a statewide professional teaching association when the member or retired teacher pays double the amount of contribution for the time absent.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§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.
4 The retirement board shall determine what part of a year is
5 the equivalent of a year of service. In computing such
6 service, however, it shall credit no period of more than a
7 month's duration during which a member was absent without
8 pay, nor shall it credit for more than one year service per-
9 formed in any 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
13 of the United States in any period of national emergency
14 within which a federal selective service act was in effect. For
15 purposes of this section, "armed forces" shall include Women's
16 Army Corps, Women's Appointed Volunteers for Emergency
17 Service, Army Nurse Corps, Spars, Women's Reserve and
18 other similar units officially parts of the military service of the
19 United States. Such military service shall be deemed equivalent
20 to public school teaching, and the salary equivalent for each
21 year of such service shall be the actual salary of the member
22 as a teacher for his first year of teaching after discharge from
23 military service. Prior service credit for military service shall
24 not exceed ten years for any one member, nor shall it exceed
25 twenty-five 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 re-
29 tirement 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
32 as a teacher in the public schools of West Virginia.

33 No member shall be deemed absent from service as a teacher
34 while serving as a member of the Legislature of the state of
35 West Virginia during any duly constituted session of that body.
36 No member shall be deemed absent from service as a teacher
37 while serving on leave of absence as an officer with a statewide
38 professional teaching association, or who has served in such
39 capacity, and no retired teacher, who served on such leave of
40 absence while a member, shall be deemed to have been absent
41 from service as a teacher by reason of such service on leave
42 of absence: *Provided*, That the period of service credit granted
43 for such service on leave of absence shall not exceed two
44 years: *Provided, however*, That such member or retired
45 teacher who is serving or has served as an officer of a statewide
46 professional teaching association shall make deposits to the
47 teachers retirement board, for the time of any such absence, in
48 an amount double the amount which he would have con-
49 tributed in his regular assignment for a like period of time.

50 The teachers retirement board shall grant service credit to
51 any former or present member of the West Virginia public em-
52 ployees retirement system who have been contributing members
53 for more than three years, for service previously credited by the
54 public employees retirement system, and (1) shall require the
55 transfer of the member's contributions to the teachers retire-
56 ment system or (2) shall require a repayment of the amount
57 withdrawn any time prior to the member's retirement: *Pro-*
58 *vided,* That there shall be added by the member to the amounts
59 transferred or repaid under this paragraph an amount which
60 shall be sufficient to equal the contributions he would have
61 made had the member been under the teachers retirement
62 system during the period of his membership in the public
63 employees retirement system. Payments for absence as pro-
64 vided in section thirteen of this article, shall be paid in addition
65 to the above amount, if applicable.

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

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

73 Subject to the above provisions, the board shall verify
74 as soon as practicable, the statements of service submitted.
75 The retirement board shall issue prior service certificates
76 to all persons eligible therefor under the provisions of this
77 article. Such certificates shall state the length of such prior
78 service credit, but in no case shall the prior service credit
79 exceed forty years.

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

James L. Davis
Chairman Senate Committee

Clarence C. Gurnea
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. W. McElroy Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Louis N. McManis
Speaker House of Delegates

The within approved this the 16th
day of March, 1976.

Arch A. Phares Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/11/76

Time 4:25 p.m.