

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

— ● —

## ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 1110

(By Mr. Blevins )

— ● —

PASSED March 11, 1978

In Effect - from - Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 1110**  
**(By Mr. BLEVINS)**

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[Passed March 11, 1978; In effect from passage.]

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AN ACT to amend and reenact sections five and seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state teachers retirement system; the election of a retired school employee by retired school employees as an additional member of the state retirement board; and setting the requirements for the receipt of credit for service as a teacher performed outside this state.

*Be it enacted by the Legislature of West Virginia:*

That sections five 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-5. Members of retirement board; terms of office; vacancies.**

- 1 The retirement board shall consist of the following ten
- 2 members: (a) The governor, who shall be ex officio chairman;
- 3 (b) the state superintendent of free schools; (c) the commis-
- 4 sioner of finance and administration; (d) the state insurance
- 5 commissioner; (e) the state treasurer; (f) four members of the

6 retirement system; and (g) a retired school employee to be  
7 elected by retired school employees receiving benefits from  
8 the retirement system. The elected retired school employee  
9 shall be a resident of this state who shall have been receiving  
10 benefits from the retirement system at least one year prior  
11 to his election to the board.

12 All elections shall be held prior to the first day of July.  
13 The retired school employee member shall be elected for  
14 a two-year term; the first term shall begin on the first day  
15 of July, one thousand nine hundred seventy-eight. All elec-  
16 tions except those of the retired school employees, shall be  
17 for six-year terms; and all elective terms shall begin on the  
18 first day of July. The manner and mode of such elections  
19 shall be determined by the retirement board.

20 Vacancies occurring in the terms of the elected membership  
21 of the retirement board shall be filled within sixty days for  
22 unexpired periods by the retirement board. If the retirement  
23 board does not fill such vacancy within sixty days, the  
24 chairman shall appoint a member of the retirement system  
25 to serve for the remainder of the unexpired term.

26 Before exercising any authority or performing any duties  
27 as a member of the retirement board, each member shall  
28 qualify as such by taking and subscribing to the oath of  
29 office prescribed by section five, article four of the constitu-  
30 tion, the certificates whereof shall be filed with the secretary  
31 of state.

**§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  
3 his length of service as a teacher for which he claims credit.  
4 The retirement board shall determine what part of a year  
5 is 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 of service  
9 performed 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  
12 of the retirement system for service in any of the armed  
13 forces of the United States in any period of national emer-  
14 gency within which a federal selective service act was in effect.  
15 For purposes of this section, "armed forces" shall include  
16 Women's Army Corps, Women's Appointed Volunteers for  
17 Emergency Service, Army Nurse Corps, Spars, Women's Re-  
18 serve and other similar units officially parts of the military  
19 service of the United States. Such military service shall be  
20 deemed equivalent to public school teaching, and the salary  
21 equivalent for each year of such service shall be the actual  
22 salary of the member as a teacher for his first year of teach-  
23 ing after discharge from military service. Prior service credit  
24 for military service shall not exceed ten years for any one  
25 member, nor shall it exceed twenty-five percent of total  
26 service at the time of retirement.

27 For service as a teacher in the employment of the federal  
28 government, or a state or territory of the United States, or  
29 a governmental subdivision of such state or territory, the  
30 retirement board shall grant credit to the member: *Provided*,  
31 That the member shall pay to the system double the amount  
32 he contributed during the first full year of current employ-  
33 ment, times the number of years for which credit is granted,  
34 plus interest at a rate to be determined by the retirement  
35 board. Such interest shall be deposited in the reserve fund  
36 and service credit so granted at the time of retirement shall  
37 not exceed the lesser of ten years or fifty percent of the  
38 member's total service as a teacher in West Virginia. Any  
39 transfer of out-of-state service, as provided in this article,  
40 shall not be used to establish eligibility for a retirement allow-  
41 ance and the retirement board shall grant credit for such  
42 transferred service as additional service only: *Provided*, That  
43 a transfer of out-of-state service shall be prohibited if such serv-  
44 ice is used to obtain a retirement benefit from another retire-  
45 ment system: *Provided, however*, That salaries paid to mem-  
46 bers for service prior to entrance into the retirement system  
47 shall not be used to compute the average final salary of  
48 such member under the retirement system.

49 No member shall be deemed absent from service as a

50 teacher while serving as a member of the Legislature of the  
51 state of West Virginia during any duly constituted session  
52 of that body.

53 No member shall be deemed absent from service as a  
54 teacher while serving on leave of absence as an officer with  
55 a statewide professional teaching association, or who has  
56 served in such capacity, and no retired teacher, who served  
57 on such leave of absence while a member, shall be deemed  
58 to have been absent from service as a teacher by reason of  
59 such service on leave of absence: *Provided*, That the period  
60 of service credit granted for such service on leave of absence  
61 shall not exceed two years: *Provided, however*, That such  
62 member or retired teacher who is serving or has served as  
63 an officer of a statewide professional teaching association  
64 shall make deposits to the teachers retirement board, for the  
65 time of any such absence, in an amount double the amount  
66 which he would have contributed in his regular assignment  
67 for a like period of time.

68 The teachers retirement board shall grant service credit  
69 to any former or present member of the West Virginia  
70 public employees retirement system who has been a con-  
71 tributing member for more than three years, for service  
72 previously credited by the public employees retirement system,  
73 and (1) shall require the transfer of the member's contribu-  
74 tions to the teachers retirement system or (2) shall require a  
75 repayment of the amount withdrawn any time prior to the  
76 member's retirement: *Provided*, That there shall be added by  
77 the member to the amounts transferred or repaid under this  
78 paragraph an amount which shall be sufficient to equal the  
79 contributions he would have made had the member been  
80 under the teachers retirement system during the period of  
81 his membership in the public employees retirement system.  
82 Payments for absence as provided in section thirteen of this  
83 article, shall be paid in addition to the above amount, if  
84 applicable.

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

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

92 Subject to the above provisions, the board shall verify  
93 as soon as practicable, the statements of service submitted.  
94 The retirement board shall issue prior service certificates to  
95 all persons eligible therefor under the provisions of this  
96 article. Such certificates shall state the length of such prior  
97 service credit, but in no case shall the prior service credit  
98 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. Chestnutt Jr.  
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Chilton, Jr.  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1978.

Don R. Roper  
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAR 23 4 03 PM '78

OFFICE OF THE GOVERNOR

Date

Mar. 30, 1978

Time

2:50 p.m.

RECEIVED

78 MAR 30 P 9:23

OFFICE  
SECY. OF STATE