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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4110

(By Mr. Speaker, Mr. Kiss, and Delegates Yeager,
Mezzatesta, Jenkins, Hubbard, Smith and Hall)



Passed March 13, 1998

In Effect July 1, 1998

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COMMITTEE SUBSTITUTE
FOR
H. B. 4110

(BY MR. SPEAKER, MR. KISS, AND DELEGATES YEAGER, MEZZATESTA,
JENKINS, HUBBARD, SMITH AND HALL)

[Passed March 13, 1998; in effect July 1, 1998.]

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 increasing the service credit within the teachers retirement system for teachers who serve as an officer with a statewide professional association and providing that members elected to public office be credited for time served in discharging legislative duties.

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, be amended and reenacted to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

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

- 1 (a) Under rules adopted by the retirement board, each
- 2 teacher shall file a detailed statement of his or her length
- 3 of service as a teacher for which he or she claims credit.

4 The retirement board shall determine what part of a year is
5 the equivalent of a year of service. In computing the
6 service, however, it shall credit no period of more than a
7 month's duration during which a member was absent
8 without pay, nor shall it credit for more than one year of
9 service performed in any calendar year.

10 (b) For the purpose of this article, the retirement board
11 shall grant prior service credit to new entrants and other
12 members of the retirement system for service in any of the
13 armed forces of the United States in any period of
14 national emergency within which a federal Selective
15 Service Act was in effect. For purposes of this section,
16 "armed forces" includes women's army corps, women's
17 appointed volunteers for emergency service, army nurse
18 corps, spars, women's reserve and other similar units
19 officially parts of the military service of the United States.
20 The military service is considered equivalent to public
21 school teaching, and the salary equivalent for each year of
22 that service is the actual salary of the member as a teacher
23 for his or her first year of teaching after discharge from
24 military service. Prior service credit for military service
25 shall not exceed ten years for any one member, nor shall it
26 exceed twenty-five percent of total service at the time of
27 retirement.

28 (c) For service as a teacher in the employment of the
29 federal government, or a state or territory of the United
30 States, or a governmental subdivision of that state or
31 territory, the retirement board shall grant credit to the
32 member: *Provided*, That the member shall pay to the
33 system double the amount he or she contributed during
34 the first full year of current employment, times the
35 number of years for which credit is granted, plus interest
36 at a rate to be determined by the retirement board. The
37 interest shall be deposited in the reserve fund and service
38 credit granted at the time of retirement shall not exceed
39 the lesser of ten years or fifty percent of the member's
40 total service as a teacher in West Virginia. Any transfer
41 of out-of-state service, as provided in this article, shall not
42 be used to establish eligibility for a retirement allowance
43 and the retirement board shall grant credit for the
44 transferred service as additional service only: *Provided*,

45 *however*, That a transfer of out-of-state service is
46 prohibited if the service is used to obtain a retirement
47 benefit from another retirement system: *Provided further*,
48 That salaries paid to members for service prior to entrance
49 into the retirement system shall not be used to compute
50 the average final salary of the member under the
51 retirement system.

52 (d) Service credit for members or retired members
53 shall not be denied on the basis of minimum income rules
54 promulgated by the teachers retirement board: *Provided*,
55 That the member or retired member shall pay to the
56 system the amount he or she would have contributed
57 during the year or years of public school service for which
58 credit was denied as a result of the minimum income rules
59 of the teachers retirement board.

60 (e) No members shall be considered absent from
61 service while serving as a member or employee of the
62 Legislature of the state of West Virginia during any duly
63 constituted session of that body or while serving as an
64 elected member of a county commission during any duly
65 constituted session of that body.

66 (f) No member shall be considered absent from
67 service as a teacher while serving as an officer with a
68 statewide professional teaching association, or who has
69 served in that capacity, and no retired teacher, who served
70 in that capacity while a member, shall be considered to
71 have been absent from service as a teacher by reason of
72 that service: *Provided*, That the period of service credit
73 granted for that service shall not exceed ten years:
74 *Provided, however*, That a member or retired teacher who
75 is serving or has served as an officer of a statewide
76 professional teaching association shall make deposits to
77 the teachers retirement board, for the time of any absence,
78 in an amount double the amount which he or she would
79 have contributed in his or her regular assignment for a
80 like period of time.

81 The teachers retirement board shall grant service credit
82 to any former or present member of the West Virginia
83 public employees retirement system who has been a
84 contributing member for more than three years, for

85 service previously credited by the public employees
86 retirement system and: (1) Shall require the transfer of the
87 member's contributions to the teachers retirement system;
88 or (2) shall require a repayment of the amount withdrawn
89 any time prior to the member's retirement: *Provided,*
90 That there shall be added by the member to the amounts
91 transferred or repaid under this subsection an amount
92 which shall be sufficient to equal the contributions he or
93 she would have made had the member been under the
94 teachers retirement system during the period of his or her
95 membership in the public employees retirement system
96 plus interest at a rate of six percent compounded annually
97 from the date of withdrawal to the date of payment. The
98 interest paid shall be deposited in the reserve fund.

99 (g) For service as a teacher in an elementary or
100 secondary parochial school, located within this state and
101 fully accredited by the West Virginia department of
102 education, the retirement board shall grant credit to the
103 member: *Provided,* That the member shall pay to the
104 system double the amount contributed during the first full
105 year of current employment, times the number of years
106 for which credit is granted, plus interest at a rate to be
107 determined by the retirement board. The interest shall be
108 deposited in the reserve fund and service granted at the
109 time of retirement shall not exceed the lesser of ten years
110 or fifty percent of the member's total service as a teacher
111 in the West Virginia public school system. Any transfer of
112 parochial school service, as provided in this section, may
113 not be used to establish eligibility for a retirement
114 allowance and the board shall grant credit for the transfer
115 as additional service only: *Provided, however,* That a
116 transfer of parochial school service is prohibited if the
117 service is used to obtain a retirement benefit from another
118 retirement system.

119 (h) If a member is not eligible for prior service credit
120 or pension as provided in this article, then his or her prior
121 service shall not be considered a part of his or her total
122 service.

123 (i) A member who withdrew from membership may
124 regain his or her former membership rights as specified in

125 section thirteen of this article only in case he or she has
126 served two years since his or her last withdrawal.

127 (j) Subject to the provisions of subsection (a) through
128 (i) of this section, the board shall verify as soon as
129 practicable the statements of service submitted. The
130 retirement board shall issue prior service certificates to all
131 persons eligible for the certificates under the provisions of
132 this article. The certificates shall state the length of the
133 prior service credit, but in no case shall the prior service
134 credit exceed forty years.

135 Notwithstanding any provision of this article to the
136 contrary, when a member is or has been elected to serve as
137 a member of the Legislature, and the proper discharge of
138 his or her duties of public office require that member to
139 be absent from his or her teaching or administrative duties,
140 the time served in discharge of his or her duties of the
141 legislative office are credited as time served for purposes
142 of computing service credit: *Provided*, That the board may
143 not require any additional contributions from that
144 member in order for the board to credit him or her with
145 the contributing service credit earned while discharging
146 official legislative duties.

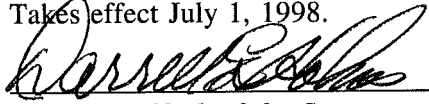
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

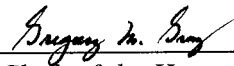

Chairman Senate Committee

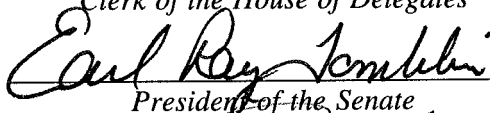

Chairman House Committee

Originating in the House.

Takes effect July 1, 1998.

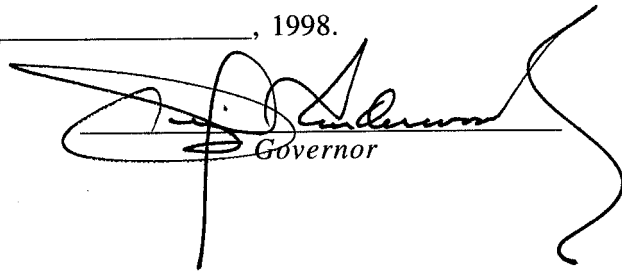

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 15th
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/98

Time 11:12am