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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4101

(By Delegates Jenkins, Hubbard, J. Smith,
Campbell, Williams, Hall and Harrison)



Passed March 9, 2000

In Effect Ninety Days from Passage

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H. B. 4101

(BY DELEGATES JENKINS, HUBBARD, J. SMITH,
CAMPBELL, WILLIAMS, HALL AND HARRISON)

[Passed March 9, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions of terms pertaining to interest rates used in teacher retirement legislation.

Be it enacted by the Legislature of West Virginia:

That section three, 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-3. Definitions.

1 “Teacher member” means the following persons, if regu-
2 larly employed for full-time service: (a) Any person employed
3 for instructional service in the public schools of West Virginia;
4 (b) principals; (c) public school librarians; (d) superintendents
5 of schools and assistant county superintendents of schools; (e)
6 any county school attendance director holding a West Virginia

7 teacher's certificate; (f) the executive secretary of the retire-
8 ment board; (g) members of the research, extension, administra-
9 tive or library staffs of the public schools; (h) the state superin-
10 tendent of schools, heads and assistant heads of the divisions
11 under his supervision, or any other employee thereunder
12 performing services of an educational nature; (i) employees of
13 the state board of education who are performing services of an
14 educational nature; (j) any person employed in a nonteaching
15 capacity by the state board of education, the West Virginia
16 board of regents [abolished], any county board of education, the
17 state department of education or the teachers retirement board,
18 if such person was formerly employed as a teacher in the public
19 schools; (k) all classroom teachers, principals and educational
20 administrators in schools under the supervision of the depart-
21 ment of corrections, the division of health or the division of
22 human services; and (l) employees of the state board of school
23 finance, if such person was formerly employed as a teacher in
24 the public schools.

25 "Nonteaching member" means any person, except a teacher
26 member, who is regularly employed for full-time service by: (a)
27 Any county board of education; (b) the state board of education;
28 (c) the West Virginia board of regents [abolished]; or (d) the
29 teachers retirement board.

30 "Members of the administrative staff of the public schools"
31 means deans of instruction, deans of men, deans of women, and
32 financial and administrative secretaries.

33 "Members of the extension staff of the public schools"
34 means every agricultural agent, boys' and girls' club agent, and
35 every member of the agricultural extension staff whose work is
36 not primarily stenographic, clerical or secretarial.

37 "Retirement system" means the state teachers retirement
38 system provided for in this article.

39 “Present teacher” means any person who was a teacher
40 within the thirty-five years beginning the first day of July, one
41 thousand nine hundred thirty-four, and whose membership in
42 the retirement system is currently active.

43 “New entrant” means a teacher who is not a present teacher.

44 “Regularly employed for full-time service” means employ-
45 ment in a regular position or job throughout the employment
46 term regardless of the number of hours worked or the method
47 of pay.

48 “Employment term” means employment for at least ten
49 months, a month being defined as twenty employment days.

50 “Present member” means a present teacher who is a
51 member of the retirement system.

52 “Total service” means all service as a teacher while a
53 member of the retirement system since last becoming a member
54 and, in addition thereto, credit for prior service, if any.

55 “Prior service” means all service as a teacher completed
56 prior to the first day of July, one thousand nine hundred forty-
57 one, and all service of a present member who was employed as
58 a teacher, and did not contribute to a retirement account
59 because he was legally ineligible for membership during the
60 service.

61 “Average final salary” means the average of the five
62 highest fiscal year salaries earned as a member within the last
63 fifteen fiscal years of total service credit, including military
64 service as provided herein, or if total service is less than fifteen
65 years, the average annual salary for the period on which
66 contributions were made.

67 “Accumulated contributions” means all deposits and all
68 deductions from the earnable compensation of a contributor

69 minus the total of all supplemental fees deducted from his
70 compensation.

71 “Regular interest” means interest at three percent com-
72 pounded annually, or a higher earnable rate if set forth in the
73 formula established in legislative rules, series seven of the
74 consolidated public retirement board.

75 “Refund interest” means interest compounded, according to
76 the formula established in legislative rules, series seven of the
77 consolidated public retirement board.

78 “Employer” means the agency of and within the state which
79 has employed or employs a member.

80 “Contributor” means a member of the retirement system
81 who has an account in the teachers accumulation fund.

82 “Beneficiary” means the recipient of annuity payments
83 made under the retirement system.

84 “Refund beneficiary” means the estate of a deceased
85 contributor, or a person as he shall have nominated as benefi-
86 ciary of his contributions by written designation duly executed
87 and filed with the retirement board.

88 “Earnable compensation” means the full compensation
89 actually received by members for service as teachers whether
90 or not a part of the compensation is received from other funds,
91 federal or otherwise, than those provided by the state or its
92 subdivisions. Allowances from employers for maintenance of
93 members shall be considered a part of earnable compensation
94 for such members whose allowances were approved by the
95 teachers retirement board and contributions to the teachers
96 retirement system were made, in accordance therewith, on or
97 before the first day of July, one thousand nine hundred eighty.

98 “Annuities” means the annual retirement payments for life
99 granted beneficiaries in accordance with this article.

100 “Member” means a member of the retirement system.

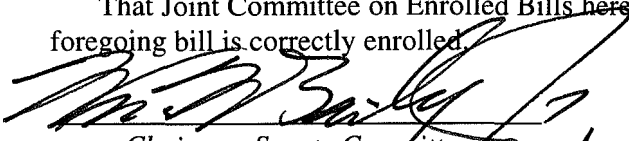
101 “Public schools” means all publicly supported schools,
102 including normal schools, colleges and universities in this state.

103 “Deposit” means a voluntary payment to his account by a
104 member.

105 The masculine gender shall be construed so as to include
106 the feminine.

107 Age in excess of seventy years shall be considered to be
108 seventy years.

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



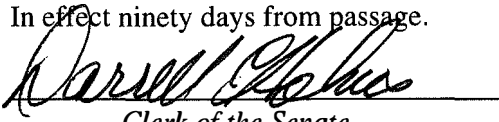
Chairman Senate Committee



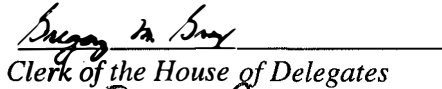
Chairman House Committee

Originating in the House.

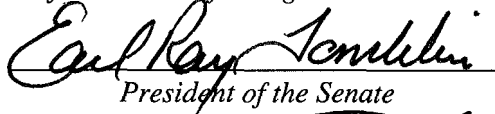
In effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

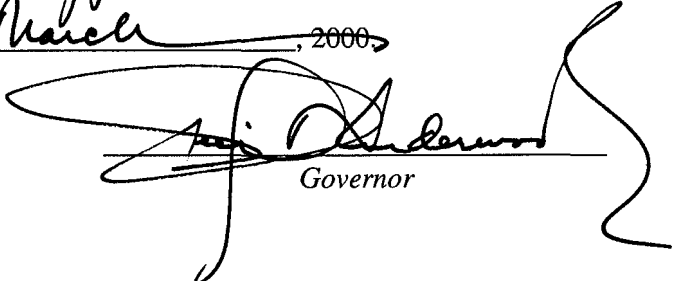


President of the Senate



Speaker of the House of Delegates

The within approved this the 20th
day of March, 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/00

Time 10:10 am