

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3060

By Delegates Street, Chiarelli, Foggin, Hanna, Kirby,
Burhammer, Statler, Brooks, Keaton, Ellington, and
Pinson

[Introduced January 25, 2023; Referred to the
Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §18-7A-13 of the Code of West Virginia, 1931, as amended, relating
2 to permitting membership of the state teachers retirement system to include any person
3 who has been retired by any other retirement system administered by the Board at the
4 option of the retirant; providing for implementation and conditions of membership; and
5 deleting a cross-reference to a repealed provision of law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-13. Membership in retirement system; cessation of membership; reinstatement of withdrawn service.

1 The membership of the retirement system shall consist of the following:

2 (a) New entrants, whose membership in the system is compulsory upon employment as
3 teachers and nonteachers: *Provided*, That any teaching member or nonteaching member, as
4 defined in section three of this article, who has concurrent employment in an additional job or jobs
5 which would require the teaching member or nonteaching member to be a member of the West
6 Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and
7 Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement
8 System shall abide by the concurrent employment statutory provisions of said retirement system
9 and shall participate in only one retirement system administered by the retirement board.

10 (b) The membership of the retirement system shall not include any person who is an active
11 member of ~~or who has been retired by~~ the West Virginia Public Employees Retirement System,
12 the judge's retirement system, or the retirement system of the West Virginia State Police. ~~or the~~
13 ~~supplemental retirement system as provided in section four-a, article twenty-three of this chapter~~
14 The membership of the retirement system may include any person who has been retired by any
15 other retirement system administered by the Board as provided by this subsection. A retirant
16 employed as a teacher or nonteacher on or after the effective date of the amendments to this
17 section in 2023 shall elect to become a member of the retirement system upon his or her initial

18 employment. A retirant employed as a teacher or nonteacher before the effective date of the
19 amendments to this section in 2023 may elect to become a member of the retirement system on or
20 before December 31, 2023: *Provided*, That the retirant may not receive service credit for any
21 period so employed prior to becoming a member of the retirement system. As soon as reasonably
22 possible following the enactment of this section in 2023, or upon retirement, whichever shall last
23 occur, the Board shall send by letter or email to each person who has been retired by any other
24 retirement system administered by the Board a description of the opportunities provided by the
25 provisions of the amendments to this section in 2023 as soon as reasonably possible following the
26 enactment of this section in 2023, or upon retirement, which ever shall last occur, and shall
27 additionally provide the description on its website.

28 The membership of any person in the retirement system ceases: (1) Upon the withdrawal
29 of accumulated contributions after the cessation of service; (2) upon effective retirement date; (3)
30 at death; or (4) upon the date, if any, when after the cessation of service, the outstanding balance
31 of any loan obtained by the member pursuant to section thirty-four of this article or section five,
32 article seven-d of this chapter, plus accrued interest, equals or exceeds the member's
33 accumulated contributions.

34 (c) Any former member of the retirement system who has withdrawn accumulated
35 contributions but subsequently reenters the retirement system may repay to the retirement fund
36 the amount withdrawn, plus interest at a rate set by the board, compounded annually from the date
37 of withdrawal to the date of repayment: *Provided*, That no repayment may be made until the former
38 member has completed two years of contributory service after reentry; and the member shall be
39 accorded all the rights to prior service and experience as were held at the time of withdrawal of the
40 accumulated contributions: *Provided, however*, That no withdrawn service may be reinstated that
41 has been transferred to another retirement system from which the member is currently or will in the
42 future draw benefits based on the same service. The interest paid shall be deposited in the reserve
43 fund.

44 (d) No member is eligible for prior service credit unless he or she is eligible for prior service
45 pension, as prescribed by section twenty-two of this article; however, a new entrant who becomes
46 a present teacher as provided in this subdivision shall be considered eligible for prior service
47 pension upon retirement.

48 (e) Any individual who is a leased employee is not eligible to participate in the system. For
49 purposes of this system, a "leased employee" means any individual who performs services as an
50 independent contractor or pursuant to an agreement with an employee leasing organization or
51 other similar organization. If a question arises regarding the status of an individual as a leased
52 employee, the board has final power to decide the question.

NOTE: The purpose of this bill is to permit membership of the State Teachers Retirement System to include any person who has been retired by any other retirement system administered by the West Virginia Consolidated Retirement Board at the option of the retirant employed as a teacher or nonteacher.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.