WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED
SENATE BILL NO. 45

(By Mr.)

PASSED February 5, 1968

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
IN THIS STATE 2-16-68
AN ACT to amend and reenact section four, article thirteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to reciprocal service under the public employees' and teachers' retirement systems.

Be it enacted by the Legislature of West Virginia:

That section four, article thirteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13. PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL SERVICE CREDIT ACT.

§5-13-4. Reciprocal service.

1. In the event a member leaves a position covered by the public system and within five years thereafter be-
comes employed in a position covered by the teacher system, or a member leaves the position covered by the teacher system and within five years thereafter becomes employed in a position covered by the public system, in either case, the following provisions shall apply, together with such rules and regulations as the board of trustees of the public system and the retirement board of the teacher system shall from time to time mutually agree upon.

(a) A member's reciprocal service credit in force shall be used to satisfy the service requirements for retirement under the state system from which he retires.

(b) If a member, who has reciprocal service credit in force, retires under the public system, he shall receive an annuity payable by the public system and an annuity payable by the teacher system. His public system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the public system, and (2) his public final average salary. His teacher system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the
teacher system, and (2) his teachers' retirement allowance as provided by the teachers' retirement act. His teacher system annuity shall begin as of the date he retires under the public system, but in no case prior to the date he would have been eligible to retire under the teacher system if all his reciprocal service credit had been acquired as a member of the teacher system.

(c) If a member, who has reciprocal service credit in force, retires under the teacher system, he shall receive an annuity payable by the teacher system and an annuity payable by the public system. His teacher system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the teacher system, and (2) his teachers' retirement allowance as provided by the teachers' retirement act. His public system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the public system, and (2) his public final average salary. His public system annuity shall begin as of the date he retired under the teacher system, but in no case prior to the date he would have been eligible.
to retire under the public system if all his reciprocal
service credit had been acquired as a member of the
public system.

The provisions of this section, as amended, shall be retro-
active to June eleventh, one thousand nine hundred sixty-
five.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Jennings
Chairman Senate Committee

Clayton Te. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Hay
Clerk of the Senate

Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Lamar White
Speaker House of Delegates

The within approved this the 14th day of February, 1968.

Herbert C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 2/14/68
Time 3:00 P.M.