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WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

Committee Substitute for
SENATE BILL NO. 455

(By Senators Minard & Unger)

PASSED March 7, 2003

In Effect From **Passage**

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SENATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 455

(SENATORS MINARD AND UNGER, *original sponsors*)

[Passed March 7, 2003; in effect from passage.]

AN ACT to amend article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifteen-b, relating to authorizing service credit toward retirement to public employees for public employment in another state.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifteen-b, to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-15b. Credit for public employment in another state.

- 1 (a) Any member of the retirement system who has
- 2 previously been employed in public employment in any
- 3 other state of the United States is entitled to receive
- 4 credited service for the time of public employment in that

5 state, not to exceed five years, if the member substantiates
6 by appropriate documentation or evidence his or her
7 public employment in another state and makes contribu-
8 tions as required: *Provided*, That the employee is not
9 entitled to receive the credited service if the employee is
10 vested or entitled to be vested in a retirement system of the
11 state in which the employment credit was earned and the
12 employee is entitled to service credit in that retirement
13 system for the employment period for which the applicant
14 seeks credited service in West Virginia: *Provided, however*,
15 That the service credit from the other state may not be
16 used to meet West Virginia's eligibility requirements for
17 retirement or vesting.

18 Employees entitled to out-of-state service credit under
19 the provisions of this section shall make additional
20 contribution to the retirement system equal to the actuar-
21 ial equivalent of the amount which would have been
22 contributed, together with earnings thereon, by the
23 employee and the employer, had the employee been
24 covered during the period of the retroactive service credit.

25 (b) In any case of doubt as to the period of service to be
26 credited a member under the provisions of this section, the
27 board of trustees has the final power to determine this
28 period.

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

Carly Murr
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Holmes
.....
Clerk of the Senate

Bruce A. Baul
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *1st*
Day of *April*, 2003.
Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3.20.03

Time 9:40 AM