

**FILED**

2003 MAR 21 P 5: 35

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2003



# **ENROLLED**

## **House Bill No. 2975**

(By Delegate Kominar)



Passed March 8, 2003

In Effect from Passage

FILED

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2003

OFFICE WEST VIRGINIA  
SECRETARY OF STATE  
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E N R O L L E D

## H. B. 2975

(BY DELEGATE KOMINAR)

[Passed March 8, 2003; in effect from passage.]

AN ACT to amend and reenact section eighteen, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing a time period a member of the public employees retirement system has to repurchase service credit previously forfeited.

*Be it enacted by the Legislature of West Virginia:*

That section eighteen, article ten, 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 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.**

#### **§5-10-18. Termination of membership; reentry.**

- 1 (a) When a member of the retirement system retires or dies,
- 2 he or she ceases to be a member. When a member leaves the
- 3 employ of a participating public employer for any other reason,
- 4 he or she ceases to be a member and forfeits service credited to
- 5 him or her at that time. If he or she becomes reemployed by a

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6 participating public employer he or she shall be reinstated as a  
7 member of the retirement system and his or her credited service  
8 last forfeited by him or her shall be restored to his or her credit:  
9 *Provided*, That he or she must be reemployed for a period of  
10 one year or longer to have the service restored: *Provided*,  
11 *however*, That he or she returns to the members' deposit fund  
12 the amount, if any, he or she withdrew from the fund, together  
13 with regular interest on the withdrawn amount from the date of  
14 withdrawal to the date of repayment, and that the repayment  
15 begins within two years of the return to employment and that  
16 the full amount is repaid within five years of the return to  
17 employment.

18 (b) The Pretera center for mental health services, valley  
19 comprehensive mental health center, Westbrook health services  
20 and eastern panhandle mental health center, and their succes-  
21 sors in interest, shall provide for their employees a pension plan  
22 in lieu of the public employees retirement system during the  
23 existence of the named mental health centers and their succes-  
24 sors in interest.

25 (c) The administrative bodies of the Pretera center for  
26 mental health services, valley comprehensive mental health  
27 center, Westbrook health services and eastern panhandle mental  
28 health center shall, on or before the first day of May, one  
29 thousand nine hundred ninety-seven, give written notice to each  
30 employee who is a member of the public employees retirement  
31 system of the option to withdraw from or remain in the system.  
32 The notice shall include a copy of this section and a statement  
33 explaining the member's options regarding membership. The  
34 notice shall include a statement in plain language giving a full  
35 explanation and actuarial projection figures in support of the  
36 explanation regarding the individual member's current account  
37 balance, vested and nonvested, and his or her projected return  
38 upon remaining in the public employees retirement system until  
39 retirement, disability or death, in comparison with the projected

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40 return upon withdrawing from the public employees retirement  
41 system and joining a private pension plan provided by the  
42 community mental health center and remaining therein until  
43 retirement, disability or death. The administrative bodies shall  
44 keep in their respective records a permanent record of each  
45 employee's signature confirming receipt of the notice.

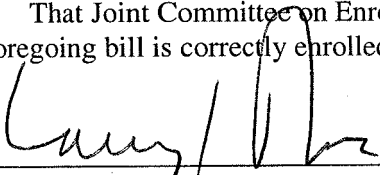
46 (d) Effective the first day of March, two thousand three,  
47 and ending the thirty-first day of December, two thousand four,  
48 any member may purchase credited service previously forfeited  
49 by him or her and the credited service shall be restored to his or  
50 her credit: *Provided*, That he or she returns to the members'  
51 deposit fund the amount, if any, he or she withdrew from the  
52 fund, together with interest on the withdrawn amount from the  
53 date of withdrawal to the date of repayment at a rate to be  
54 determined by the board. The repayment under this section may  
55 be made by lump sum or repaid over a period of time not to  
56 exceed sixty months. Where the member elects to repay the  
57 required amount other than by lump sum, the member is  
58 required to pay interest at the rate determined by the board until  
59 all sums are fully repaid.

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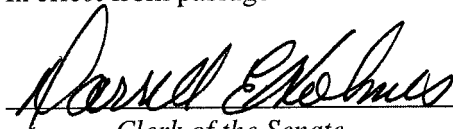
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

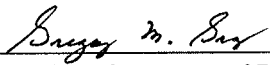
  
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Chairman Senate Committee

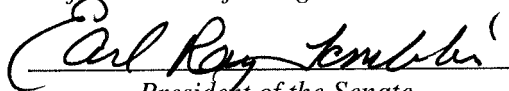
  
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Originating in the House.

In effect from passage

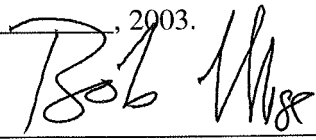
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 2/16  
day of March, 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2-15-03

Time 10:45AM