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H. B. 2423

(By Delegates Hamilton, Romine, Azinger, Sponaugle, Lynch,
Canterbury, Border, Ambler, Pethtel, Guthrie and Morgan)

[Introduced January 27, 2015; referred to the
Committee on Pensions and Retirement then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating
to providing an eleven month window to permit members of the public employees retirement
system to purchase credited service that had been previously forfeited.

Be it enacted by the Legislature of West Virginia:

That §5-10-18 of the Code of West Virginia, 1931, 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.

(a) When a member of the retirement system retires, withdraws his or her accumulated
contributions, or dies, he or she ceases to be a member. When a member leaves the employ of a
participating public employer for any reason other than retirement or death, and withdraws his or her
accumulated contributions from the system, he or she ceases to be a member and forfeits service
credited to him or her at that time. If he or she becomes reemployed by a participating public
employer he or she shall be reinstated as a member of the retirement system and his or her credited

1 service last forfeited by him or her shall be restored to his or her credit: *Provided*, That he or she
2 must be reemployed for a period of one year or longer to have the service restored: *Provided*,
3 *however*, That he or she returns to the members' deposit fund the amount, if any, he or she withdrew
4 from the fund, together with reinstatement interest as set forth in the Board's Rule, Refund,
5 Reinstatement, Retroactive Service, Loan And Employer Error Interest Factors, 162 C. S. R. 7, on
6 the withdrawn amount from the date of withdrawal to the date of repayment, and that the repayment
7 begins within two years of the return to employment and that the full amount is repaid within five
8 years of the return to employment. Any failure to repay the full amount in accordance with this
9 section shall be treated as an overpayment or excess contribution subject to section forty-four of this
10 article.

11 (b) The Pretera Center for Mental Health Services, Valley Comprehensive Mental Health
12 Center, Westbrook Health Services and Eastern Panhandle Mental Health Center, and their
13 successors in interest, shall provide for their employees a pension plan in lieu of the Public
14 Employees Retirement System during the existence of the named mental health centers and their
15 successors in interest.

16 (c) The administrative bodies of the Pretera Center for Mental Health Services, Valley
17 Comprehensive Mental Health Center, Westbrook Health Services and Eastern Panhandle Mental
18 Health Center shall, on or before May 1, 1997, give written notice to each employee who is a
19 member of the Public Employees Retirement System of the option to withdraw from or remain in
20 the system. The notice shall include a copy of this section and a statement explaining the member's
21 options regarding membership. The notice shall include a statement in plain language giving a full
22 explanation and actuarial projection figures in support of the explanation regarding the individual

1 member's current account balance, vested and nonvested, and his or her projected return upon
2 remaining in the Public Employees Retirement System until retirement, disability or death, in
3 comparison with the projected return upon withdrawing from the Public Employees Retirement
4 System and joining a private pension plan provided by the Community Mental Health Center and
5 remaining in the private pension plan until retirement, disability or death. The administrative bodies
6 shall keep in their respective records a permanent record of each employee's signature confirming
7 receipt of the notice.

8 (d) Effective ~~March 1, 2003~~ July 1, 2015, and ending ~~December 31, 2004~~ June 1, 2016, any
9 member may purchase credited service previously forfeited by him or her and the credited service
10 shall be restored to his or her credit: *Provided*, That he or she returns to the members' deposit fund
11 the amount, if any, he or she withdrew from the fund, together with interest on the withdrawn
12 amount from the date of withdrawal to the date of repayment at a rate to be determined by the board.
13 The repayment under this section may be made by lump sum or repaid over a period of time not to
14 exceed sixty months. Where the member elects to repay the required amount other than by lump
15 sum, the member is required to pay interest at the rate determined by the board until all sums are
16 fully repaid.

17 (e) Effective July 1, 2005, and ending December 31, 2006, any emergency services personnel
18 may purchase service credit for the time period beginning January 1, 1990, and ending December
19 31, 1995: *Provided*, That the person was employed as an emergency service person in this state for
20 that time period: *Provided, however*, That any person obtaining service credit under this subsection
21 is required to pay the employee's share and the employer's share upon his or her actual salary for the
22 years in question plus interest at the assumed actuarial rate of return for the plan year being

1 repurchased.

2 (f) Jobs for West Virginia's graduates and their successors in interest shall provide a pension
3 plan in lieu of the Public Employees Retirement System for employees hired on or after July 1, 2005.

4 (g) Wetzel County Hospital and their successors in interest shall provide a pension plan in
5 lieu of the Public Employees Retirement System for employees hired on or after July 1, 2005.

NOTE: The purpose of this bill is open an enrollment period of eleven months in which certain members of the Public Employees Retirement System may purchase previously forfeited service credit.

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