

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 606**

By Senators Nelson, Deeds, Hunt, and Hamilton

[Introduced January 31, 2024; referred  
to the Committee on Pensions; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §20-18-8, §20-18-20, §20-18-25, and §20-18-26 of the Code of  
2 West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers  
3 Retirement System; permitting the employer contribution to be set by the board; clarifying  
4 payment upon death of member with less than 10 years of contributing service; and  
5 clarifying surviving spouse benefits when the member dies from duty related or non-duty  
6 related cause.

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

**ARTICLE 18. WEST VIRGINIA DIVISION OF NATURAL RESOURCES POLICE  
OFFICERS RETIREMENT SYSTEM.**

**§20-18-8. Members' contributions; employer contributions.**

1 (a) There shall be deducted from the monthly salary of each member and paid into the fund  
2 an amount equal to nine and one-half percent of his or her monthly salary.

3 (b) An amount equal to an additional ~~12 percent~~ percentage of the monthly salary of each  
4 member shall be paid to the fund by the employer as annually reviewed and actuarially set by the  
5 board.

6 (c) If the board finds that the benefits provided by this article can be actuarially funded with  
7 a lesser contribution, then the board shall reduce the required member or employer contributions  
8 or both. The sums withheld each pay date shall be paid to the fund no later than 15 days following  
9 the end of the pay date.

10 (d) Any active member who has concurrent employment in an additional job or jobs and the  
11 additional employment requires the Natural Resources Police Officer to be a member of another  
12 retirement system which is administered by the Consolidated Public Retirement Board pursuant to  
13 §5-10D-1 *et seq.* of this code shall make an additional contribution to the fund of nine and one-half  
14 percent of his or her monthly salary earned from any additional employment which requires the  
15 Natural Resources Police Officer to be a member of another retirement system which is

16 administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 *et seq.* of this  
17 code. An additional employer contribution shall be paid to the fund by the concurrent employer for  
18 which the member is employed in an amount ~~equal to 12 percent of his or her monthly salary~~  
19 determined by the board. If the board finds that the benefits provided by this article can be funded  
20 with a lesser contribution, then the board shall reduce the required member, or employer  
21 contributions or both. The sums withheld each calendar month shall be paid to the fund no later  
22 than 15 days following the end of the calendar month.

**§20-18-20. Refunds to certain members upon discharge or resignation; deferred retirement; preretirement death; forfeitures.**

1 (a) Any member who terminates covered employment and is not eligible to receive  
2 disability or retirement income benefits under this article is, by written request filed with the board,  
3 entitled to receive from the fund the member's accumulated contributions. Except as provided in  
4 subsection (b) of this section, upon withdrawal the member shall forfeit his or her accrued benefit  
5 and cease to be a member.

6 (b) Any member of this plan who ceases employment in covered employment and active  
7 participation in this plan, and who thereafter becomes reemployed in covered employment may  
8 not receive any credited service for any prior withdrawn accumulated contributions from either this  
9 plan or the Public Employees Retirement System relating to the prior covered employment unless  
10 following his or her return to covered employment and active participation in this plan, the member  
11 redeposits in this plan the amount of the withdrawn accumulated contributions submitted on salary  
12 earned while a Natural Resources Police Officer, together with interest on the accumulated  
13 contributions at the rate determined by the board from the date of withdrawal to the date of  
14 redeposit. Upon repayment he or she shall receive the same credit on account of his or her former  
15 service in covered employment as if no refund had been made. The repayment authorized by this  
16 subsection shall be made in a lump sum within 60 months of the Natural Resources Police

17 Officer's reemployment in covered employment or if later, within 60 months of the effective date of  
18 this article.

19 (c) A member of this plan who has elected to transfer from the Public Employees  
20 Retirement System into this plan pursuant to §20-18-6(b) of this code may not, after having  
21 transferred into and become an active member of this plan, reinstate to his or her credit in this plan  
22 any service credit relating to periods of non-Natural Resources Police Officer service which were  
23 withdrawn from the Public Employees Retirement System plan prior to his or her elective transfer  
24 into this plan.

25 (d) Any member of this plan who: (1) Was employed as a Natural Resource Police Officer  
26 prior to the effective date of this article; and (2) was not employed as a Natural Resource Police  
27 Officer on the effective date of this article; and (3) thereafter becomes reemployed in covered  
28 employment, may not receive any credited service for any previously withdrawn accumulated  
29 contributions from either this plan or the Public Employees Retirement System relating to the prior  
30 covered employment unless, following his or her return to covered employment and active  
31 participation in this plan, the member redeposits in this plan the amount of the withdrawn  
32 accumulated contributions submitted on salary earned while a Natural Resources Police Officer,  
33 together with interest on the accumulated contributions at the rate determined by the board from  
34 the date of withdrawal to the date of redeposit. Upon repayment he or she shall receive the same  
35 credit for his or her former service in covered employment as if no refund had been made. The  
36 repayment required by this subsection shall be made in a lump sum within 60 months of the  
37 Natural Resource Police Officers reemployment in covered employment.

38 (e) ~~In the event~~ If a member dies from any cause other than those specified in §20-18-25 of  
39 this code and does not have 10 or more years of ~~credited~~ contributory service, the member's  
40 accumulated contributions may be paid to a named beneficiary or beneficiaries. If no beneficiary is  
41 named, then the accumulated contributions shall be paid to the estate of the deceased member.

42 (f) Every member who completes 120 months of covered employment is eligible, upon  
43 cessation of covered employment, to either withdraw his or her accumulated contributions in  
44 accordance with subsection (a) of this section, or to choose not to withdraw his or her accumulated  
45 contribution and to receive retirement income payments upon attaining normal retirement age.

46 (g) Notwithstanding any other provision of this article, forfeitures under the plan may not be  
47 applied to increase the benefits any member would otherwise receive under the plan.

**§20-18-25. Awards and benefits to surviving spouse – when member dies in performance of  
duty, etc.**

1 (a) The surviving spouse of any member who ~~after the effective date of this article while in~~  
2 ~~covered employment, has died or dies~~ by reason of injury, illness, or disease resulting from an  
3 occupational risk or hazard inherent in or peculiar to the service required of members, while the  
4 member was or is engaged in the performance of his or her duties as a Natural Resources Police  
5 Officer, or the ~~survivor~~ surviving spouse of a member who dies from any cause while receiving  
6 benefits pursuant to §20-18-21 of this code, is entitled to receive and shall be paid from the fund  
7 benefits as follows: To the surviving spouse annually, in equal monthly installments during his or  
8 her lifetime an amount equal to the greater of: (i) Two thirds of the annual compensation received  
9 ~~in the preceding 12-month period~~ by the deceased member during the last 12 full months of  
10 contributory service; or (ii) if the member dies after his or her meeting normal retirement age  
11 requirements, the monthly amount which the spouse would have received had the member retired  
12 the day before his or her death, elected a 100 percent joint and survivor annuity with the spouse as  
13 the joint annuitant, and then died.

14 (b) Benefits for a surviving spouse received under this section, §20-18-27, and §20-18-28  
15 of this code, are in lieu of receipt of any other benefits under this article for the spouse, or any other  
16 person, or under the provisions of any other state retirement system based upon the member's  
17 covered employment.

**§20-18-26. Awards and benefits to surviving spouse – when member dies from nonservice-connected causes.**

1 (a) In any case where a member who has been a contributing member for at least 10 years  
2 ~~while in covered employment after the effective date of this article, has died or dies~~ prior to  
3 retirement from any cause other than those specified in §20-18-25 of this code, and not due to  
4 vicious habits, intemperance, or willful misconduct on his or her part, the fund shall pay annually in  
5 equal monthly installments to the surviving spouse during his or her lifetime, a sum equal to the  
6 greater of: (i) One half of the annual compensation received ~~in the preceding 12-month~~  
7 ~~employment period~~ by the deceased member during the last 12 full months of contributory service;  
8 or (ii) if the member dies after ~~his or her early or~~ meeting normal retirement age requirements, the  
9 monthly amount which the spouse would have received had the member retired the day before his  
10 or her death, elected a 100 percent joint and survivor annuity with the spouse as the joint  
11 annuitant, and then died.

12 (b) In any case where a retirant who had been a contributing member for at least 10 years,  
13 had not obtained the age of 60, and was receiving benefits pursuant to §20-18-22 of this code dies  
14 and leaves a surviving spouse, the fund shall pay annually in equal monthly installments to the  
15 surviving spouse during his or her lifetime a sum equal to the greater of: (i) One half of the annual  
16 compensation received by the deceased member during the last 12 full months of contributory  
17 service; or (ii) if the retirant dies after meeting normal retirement age requirements, the monthly  
18 amount which the spouse would have received had the member retired the day before his or her  
19 death, elected a 100 percent joint and survivor annuity with the spouse as the joint annuitant, and  
20 then died.

21 ~~(b)~~ (c) Benefits for a surviving spouse received under §20-18-27 and §20-18-28 of this  
22 code, are in lieu of receipt of any other benefits under this article for the spouse or any other  
23 person or under the provisions of any other state retirement system based upon the member's  
24 covered employment.