

1 **H. B. 4332**

2
3 (By Delegates Stowers, R. Phillips and Barker)
4 [Introduced January 27, 2012; referred to the
5 Committee on Pensions and Retirement then Finance.]

6 **FISCAL**
7 **NOTE**

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9
10 A BILL to amend and reenact §16-5V-9 of the Code of West Virginia,
11 1931, as amended, relating to transfer of service credit from
12 Public Employees Retirement System to Emergency Medical
13 Services Retirement System.

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

15 That §16-5V-9 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.**

18 **§16-5V-9. Transfer from Public Employees Retirement System.**

19 (a) The Consolidated Public Retirement Board shall, within one
20 hundred eighty days of the effective date of the transfer of an
21 emergency medical services officer from the Public Employees
22 Retirement System to the plan, transfer assets from the Public
23 Employees Retirement System Trust Fund into the West Virginia

1 Emergency Medical Services Trust Fund.

2 (b) Except as provided in subsection (e) of this section, the
3 amount of assets to be transferred for each transferring emergency
4 medical services officer shall be computed as of January 1, 2008,
5 using July 1, 2007, actuarial valuation of the Public Employees
6 Retirement System, and updated with seven and one-half percent
7 annual interest to the date of the actual asset transfer. The
8 market value of the assets of the transferring emergency medical
9 services officer in the Public Employees Retirement System shall be
10 determined as of the end of the month preceding the actual
11 transfer. To determine the computation of the asset share to be
12 transferred the board shall:

13 (1) Compute the market value of the Public Employees
14 Retirement System assets as of July 1, 2007, actuarial valuation
15 date under the actuarial valuation approved by the board;

16 (2) Compute the actuarial accrued liabilities for all Public
17 Employees Retirement System retirees, beneficiaries, disabled
18 retirees and terminated inactive members as of July 1, 2007,
19 actuarial valuation date;

20 (3) Compute the market value of active member assets in the
21 Public Employees Retirement System as of July 1, 2007, by reducing
22 the assets value under subdivision (1) of this subsection by the
23 inactive liabilities under subdivision (2) of this subsection;

24 (4) Compute the actuarial accrued liability for all active

1 Public Employees Retirement System members as of July 1, 2007,
2 actuarial valuation date approved by the board;

3 (5) Compute the funded percentage of the active members'
4 actuarial accrued liabilities under the Public Employees Retirement
5 System as of July 1, 2007, by dividing the active members' market
6 value of assets under subdivision (3) of this subsection by the
7 active members' actuarial accrued liabilities under subdivision (4)
8 of this subsection;

9 (6) Compute the actuarial accrued liabilities under the Public
10 Employees Retirement System as of July 1, 2007, for active
11 emergency medical services officers transferring to the Emergency
12 Medical Services Retirement System;

13 (7) Determine the assets to be transferred from the Public
14 Employees Retirement System to the Emergency Medical Services
15 Retirement System by multiplying the active members' funded
16 percentage determined under subdivision (5) of this subsection by
17 the transferring active members' actuarial accrued liabilities
18 under the Public Employees Retirement System under subdivision (6)
19 of this subsection and adjusting the asset transfer amount by
20 interest at seven and five-tenths percent for the period from the
21 calculation date of July 1, 2007, through the first day of the
22 month in which the asset transfer is to be completed.

23 (c) Once an emergency medical services officer has elected to
24 transfer from the Public Employees Retirement System, transfer of

1 that amount as calculated in accordance with the provisions of
2 subsection (b) of this section, or subsection (e) if applicable,
3 by the Public Employees Retirement System shall operate as a
4 complete bar to any further liability to the Public Employees
5 Retirement System and constitutes an agreement whereby the
6 transferring emergency medical services officer forever indemnifies
7 and holds harmless the Public Employees Retirement System from
8 providing him or her any form of retirement benefit whatsoever
9 until that emergency medical services officer obtains other
10 employment which would make him or her eligible to reenter the
11 Public Employees Retirement System with no credit whatsoever for
12 the amounts transferred to the Emergency Medical Services
13 Retirement System.

14 (d) Eligible emergency medical services officers that transfer
15 from plans other than the Public Employees Retirement System shall
16 have service recognized under this plan through the purchase of the
17 service through payment by the member of sixty percent of the
18 actuarial accrued liabilities which would result if the service is
19 credited under the Emergency Medical Services Retirement System
20 subject to the following:

21 (1) The service may be purchased in one-year increments of
22 eligible service or for the total period of eligible service;

23 (2) Payment must begin within twelve months of the effective
24 date of this article;

1 (3) Payment must be made in either a one-time lump sum payment
2 received by the board no later than December 31, 2008, or in
3 regular installment payments payable over sixty months with the
4 initial installment received by the board on or before December 31,
5 2008;

6 (4) The rate of interest applicable to regular installment
7 payments for the purchase of service shall be the actuarial
8 interest rate assumption as approved by the board for completing
9 the actuarial valuation for the plan year immediately preceding the
10 first day of the plan year in which the service purchase is made,
11 compounded per annum;

12 (5) Once payments commence, selection of the period of service
13 being purchased may not be amended; and

14 (6) Service will be credited only upon receipt by the board of
15 all payments due.

16 (e) Any Emergency Management Services director who currently
17 has, or obtains within one year of the passage of this legislation
18 during the 2012 regular session of the Legislature, basic or higher
19 emergency management technician certification, is eligible to
20 transfer service credit from the Public Employees Retirement System
21 to the Emergency Medical Services Retirement System, upon payment
22 of associated costs by the transferring director. The board shall
23 compute the amount of assets to be transferred from the Public
24 Employees Retirement System to the Emergency Medical Retirement

1 System. The board shall compute the actuarially appropriate amount
2 of any additional cost of transfer to be borne by the transferring
3 director and to be paid according to terms established by the
4 board. Any director transferring into the retirement system as
5 provided in this subsection is prohibited from retiring within
6 three years of transfer.

NOTE: The purpose of this bill is to permit transfer from the Public Employees Retirement System into the Emergency Medical Services Retirement System of those EMS directors who have or obtain EMT certification within one year of the passage of this legislation.

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