WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5270

By Delegates Gearhart, C. Pritt, Anderson, Griffith,
Kump, Marple and Williams

(By Request of the Consolidated Public Retirement
Board)

[Introduced January 29, 2024; Referred to the Committee on Pensions and Retirement then Finance]

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

- (a) There shall be deducted from the monthly salary of each member and paid into the fund an amount equal to nine and one-half percent of his or her monthly salary.
- (b) An <u>amount equal to an</u> additional 42 percent of the monthly salary of each member shall be paid to the fund by the employer as annually reviewed and actuarially set by the board.
- (c) If the board finds that the benefits provided by this article can be actuarially funded with a lesser contribution, then the board shall reduce the required member or employer contributions or both. The sums withheld each pay date shall be paid to the fund no later than 15 days following the end of the pay date.
- (d) Any active member who has concurrent employment in an additional job or jobs and the additional employment requires the Natural Resources Police Officer to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 et seq. of this code shall make an additional contribution to the fund of nine and one-half percent of his or her monthly salary earned from any additional employment which requires the Natural Resources Police Officer to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 et seq. of this

code. An additional employer contribution shall be paid to the fund by the concurrent employer for which the member is employed in an amount equal to 12 percent of his or her monthly salary determined by the board. If the board finds that the benefits provided by this article can be funded with a lesser contribution, then the board shall reduce the required member, or employer contributions or both. The sums withheld each calendar month shall be paid to the fund no later 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.

- (a) Any member who terminates covered employment and is not eligible to receive disability or retirement income benefits under this article is, by written request filed with the board, entitled to receive from the fund the member's accumulated contributions. Except as provided in subsection (b) of this section, upon withdrawal the member shall forfeit his or her accrued benefit and cease to be a member.
- (b) Any member of this plan who ceases employment in covered employment and active participation in this plan, and who thereafter becomes reemployed in covered employment may not receive any credited service for any prior withdrawn accumulated contributions from either this plan or the Public Employees Retirement System relating to the prior covered employment unless following his or her return to covered employment and active participation in this plan, the member redeposits in this plan the amount of the withdrawn accumulated contributions submitted on salary earned while a Natural Resources Police Officer, together with interest on the accumulated contributions at the rate determined by the board from the date of withdrawal to the date of redeposit. Upon repayment he or she shall receive the same credit on account of his or her former service in covered employment as if no refund had been made. The repayment authorized by this subsection shall be made in a lump sum within 60 months of the Natural Resources Police Officer's reemployment in covered employment or if later, within 60 months of the effective date of this article.

- (c) A member of this plan who has elected to transfer from the Public Employees Retirement System into this plan pursuant to §20-18-6(b) of this code may not, after having transferred into and become an active member of this plan, reinstate to his or her credit in this plan any service credit relating to periods of non-Natural Resources Police Officer service which were withdrawn from the Public Employees Retirement System plan prior to his or her elective transfer into this plan.
- (d) Any member of this plan who: (1) Was employed as a Natural Resource Police Officer prior to the effective date of this article; and (2) was not employed as a Natural Resource Police Officer on the effective date of this article; and (3) thereafter becomes reemployed in covered employment, may not receive any credited service for any previously withdrawn accumulated contributions from either this plan or the Public Employees Retirement System relating to the prior covered employment unless, following his or her return to covered employment and active participation in this plan, the member redeposits in this plan the amount of the withdrawn accumulated contributions submitted on salary earned while a Natural Resources Police Officer, together with interest on the accumulated contributions at the rate determined by the board from the date of withdrawal to the date of redeposit. Upon repayment he or she shall receive the same credit for his or her former service in covered employment as if no refund had been made. The repayment required by this subsection shall be made in a lump sum within 60 months of the Natural Resource Police Officers reemployment in covered employment.
- (e) In the event If a member dies from any cause other than those specified in §20-18-25 of this code and does not have 10 or more years of eredited contributory service, the member's accumulated contributions may be paid to a named beneficiary or beneficiaries. If no beneficiary is named, then the accumulated contributions shall be paid to the estate of the deceased member.
- (f) Every member who completes 120 months of covered employment is eligible, upon cessation of covered employment, to either withdraw his or her accumulated contributions in accordance with subsection (a) of this section, or to choose not to withdraw his or her accumulated 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.

- (a) The surviving spouse of any member who after the effective date of this article while in eovered employment, has died or dies by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service required of members, while the member was or is engaged in the performance of his or her duties as a Natural Resources Police Officer, or the survivor spouse of a member who dies from any cause while receiving benefits pursuant to §20-18-21 of this code, is entitled to receive and shall be paid from the fund benefits as follows: To the surviving spouse annually, in equal monthly installments during his or her lifetime an amount equal to the greater of: (i) Two thirds of the annual compensation received in the preceding 12-menth period by the deceased member during the last 12 full months of contributory service; or (ii) if the member dies after his or her meeting normal retirement age requirements, the monthly amount which the spouse would have received had the member retired the day before his or her death, elected a 100 percent joint and survivor annuity with the spouse as the joint annuitant, and then died.
- (b) Benefits for a surviving spouse received under this section, §20-18-27 and §20-18-28 of this code, are in lieu of receipt of any other benefits under this article for the spouse, or any other person, or under the provisions of any other state retirement system based upon the member's covered employment.

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

(a) In any case where a member who has been a <u>contributing</u> member for at least 10 years while in <u>covered employment after the effective date of this article</u>, has died or dies <u>prior to retirement</u> from any cause other than those specified in §20-18-25 of this code, and not due to vicious habits, intemperance, or willful misconduct on his or her part, the fund shall pay annually in

equal monthly installments to the surviving spouse during his or her lifetime, a sum equal to the greater of: (i) One half of the annual compensation received in the preceding 12-month employment period by the deceased member during the last 12 full months of contributory service; or (ii) if the member dies after his or her early or meeting normal retirement age requirements, the monthly amount which the spouse would have received had the member retired the day before his or her death, elected a 100 percent joint and survivor annuity with the spouse as the joint annuitant, and then died.

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

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

NOTE: The purpose of this bill is to remove the cap on the NRPORS employer contribution and clarifies surviving spouse benefits when a member dies from a duty or non-duty related cause.

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