

FILED

2005 MAY -3 P 4: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 717

(By Senator Edgell, et al)

PASSED April 9, 2005

In Effect from Passage

FILED

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 717

(SENATORS EDGELL, JENKINS, BOLEY,
HARRISON AND KESSLER, *original sponsors*)

[Passed April 9, 2005; in effect from passage.]

AN ACT to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to permitting Wetzel County Hospital and Jobs for West Virginia's Graduates respectively to provide an alternative retirement plan for new employees in lieu of participation in the Public Employees Retirement System; establishing date; and permitting emergency services personnel to purchase service credit for the years one thousand nine hundred ninety to one thousand nine hundred ninety-five; specifying the cost of the service credit; specifying interest rate; and setting forth a limited time period for emergency services personnel to make the purchase.

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.

1 (a) When a member of the retirement system retires or
2 dies, he or she ceases to be a member. When a member
3 leaves the employ of a participating public employer for
4 any other reason, he or she ceases to be a member and
5 forfeits service credited to him or her at that time. If he or
6 she becomes reemployed by a participating public em-
7 ployer he or she shall be reinstated as a member of the
8 retirement system and his or her credited service last
9 forfeited by him or her shall be restored to his or her
10 credit: *Provided*, That he or she must be reemployed for a
11 period of one year or longer to have the service restored:
12 *Provided, however*, That he or she returns to the members'
13 deposit fund the amount, if any, he or she withdrew from
14 the fund, together with regular interest on the withdrawn
15 amount from the date of withdrawal to the date of repay-
16 ment, and that the repayment begins within two years of
17 the return to employment and that the full amount is
18 repaid within five years of the return to employment.

19 (b) The Prestera Center for Mental Health Services,
20 Valley Comprehensive Mental Health Center, Westbrook
21 Health Services and Eastern Panhandle Mental Health
22 Center, and their successors in interest, shall provide for
23 their employees a pension plan in lieu of the Public
24 Employees Retirement System during the existence of the
25 named mental health centers and their successors in
26 interest.

27 (c) The administrative bodies of the Prestera Center for
28 Mental Health Services, Valley Comprehensive Mental
29 Health Center, Westbrook Health Services and Eastern
30 Panhandle Mental Health Center shall, on or before the
31 first day of May, one thousand nine hundred ninety-seven,
32 give written notice to each employee who is a member of
33 the Public Employees Retirement System of the option to
34 withdraw from or remain in the system. The notice shall

35 include a copy of this section and a statement explaining
36 the member's options regarding membership. The notice
37 shall include a statement in plain language giving a full
38 explanation and actuarial projection figures in support of
39 the explanation regarding the individual member's current
40 account balance, vested and nonvested, and his or her
41 projected return upon remaining in the public employees
42 retirement system until retirement, disability or death, in
43 comparison with the projected return upon withdrawing
44 from the Public Employees Retirement System and joining
45 a private pension plan provided by the Community Mental
46 Health Center and remaining therein until retirement,
47 disability or death. The administrative bodies shall keep
48 in their respective records a permanent record of each
49 employee's signature confirming receipt of the notice.

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

65 (e) Effective the first day of July, two thousand five, and
66 ending the thirty-first day of December, two thousand six,
67 any emergency services personnel may purchase service
68 credit for the time period beginning the first day of
69 January, one thousand nine hundred ninety, and ending
70 the thirty-first day of December, one thousand nine
71 hundred ninety-five: *Provided*, That person was employed

72 as an emergency service person in this state for that time
73 period: *Provided, however,* That any person obtaining
74 service credit under this subsection is required to pay the
75 employee's share and the employer's share upon his or her
76 actual salary for the years in question plus interest at the
77 assumed actuarial rate of return for the plan year being
78 repurchased.

79 (f) Jobs for West Virginia's Graduates and their succes-
80 sors in interest shall provide a pension plan in lieu of the
81 Public Employees Retirement System for employees hired
82 on or after the first day of July, two thousand five.

83 (g) Wetzel County Hospital and their successors in
84 interest shall provide a pension plan in lieu of the Public
85 Employees Retirement System for employees hired on or
86 after the first day of July, two thousand five.

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

Chandeleur White
.....
Chairman Senate Committee

W. Rube Brey
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell E. Johnson
.....
Clerk of the Senate

Gregg W. Sims
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert J. S. ...
.....
Speaker House of Delegates

The within *is* approved this the *3rd*
Day of *May* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 20 2005

Time 3:00 pm