

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2081**

By Delegate Kump

[Introduced February 12, 2025; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §20-18-6 of the Code of West Virginia, 1931, as amended, relating to  
2 including all West Virginia correctional classifications in the West Virginia Division of  
3 Natural Resources Police Officer Retirement System.

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

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

**§20-18-6.**

**Members.**

1 (a) Any Natural Resources Police Officer first employed in covered employment after the  
2 effective date of this article shall be a member of this retirement system and does not qualify for  
3 membership in any other retirement system administered by the board, so long as he or she  
4 remains employed in covered employment: *Provided*, That any Natural Resources Police Officer  
5 who has concurrent employment in an additional job or jobs which would require the Natural  
6 Resources Police Officer to be a member of the West Virginia Deputy Sheriff Retirement System,  
7 West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia  
8 Emergency Medical Services Retirement System shall participate in only one retirement system  
9 administered by the board, and the retirement system applicable to the concurrent employment for  
10 which the employee has the earliest date of hire shall prevail. The membership of any person in  
11 the plan ceases: (1) Upon the withdrawal of accumulated contributions after the cessation of  
12 service; (2) upon retirement; or (3) at death.

13 (b) Any Natural Resources Police Officer employed in covered employment on July 1,  
14 2020, shall notify in writing both the Division of Natural Resources and the board no later than  
15 September 30, 2020, of his or her desire to become a member of the plan beginning January 2,  
16 2021: *Provided*, That any Natural Resources Police Officer hired after July 1, 2020, but before  
17 January 2, 2021, shall make this required notification to the division and the board no later than 30  
18 days from receipt of the notice required by §20-18-11 of this code or September 30, 2020,

19 whichever is later. Any Natural Resources Police Officer who elects to become a member of the  
20 plan ceases to be an active member in the Public Employees Retirement System and shall  
21 continue to be ineligible for future membership in any other retirement system administered by the  
22 board so long as the Natural Resources Police Officer remains employed in covered employment  
23 in this plan; any Natural Resources Police Officer who does not affirmatively elect to become a  
24 member of the plan continues to be eligible for any other retirement system as is from time to time  
25 offered to other state employees but is ineligible for this plan regardless of any subsequent  
26 termination of employment and rehire.

27 (c) Any Natural Resources Police Officer employed in covered employment on the  
28 effective date of this article, who has timely elected to transfer into this plan as provided in  
29 subsection (b) of this section, shall be given credited service at the time of transfer for all credited  
30 service then standing to the Natural Resources Police Officer service credit in the Public  
31 Employees Retirement System regardless of whether the credited service (as that term is defined  
32 in §5-10-2 of this code) was earned as a Natural Resources Police Officer. All the credited service  
33 standing to the transferring Natural Resources Police Officer's credit in the Public Employees  
34 Retirement Fund System at the time of transfer into this plan shall be transferred into the plan  
35 created by this article, and the transferring Natural Resources Police Officer shall be given the  
36 same credit for the purposes of this article for all service transferred from the Public Employees  
37 Retirement System, as that transferring Natural Resources Police Officer would have received  
38 from the Public Employees Retirement System as if the transfer had not occurred. In connection  
39 with each transferring Natural Resources Police Officer receiving credit for prior employment as  
40 provided in this subsection, a transfer from the Public Employees Retirement System to this plan  
41 shall be made pursuant to the procedures described in §20-18-10 of this code: *Provided*, That a  
42 member of this plan who has elected to transfer from the Public Employees Retirement System  
43 into this plan pursuant to subsection (b) of this section may not, after having transferred into and  
44 become an active member of this plan, reinstate to his or her credit in this plan any service credit

45 relating to periods of non-Natural Resources Police Officer service which were withdrawn from the  
46 Public Employees Retirement System prior to his or her elective transfer into this plan.

47 (d) Any Natural Resources Police Officer who was employed as a Natural Resources  
48 Police Officer between the effective date of this article and June 30, 2026, who has not  
49 commenced retirement under the Public Employees Retirement System, shall become a member  
50 upon rehire as a Natural Resources Police Officer. For purposes of this subsection, the member's  
51 years of service and credited service prior to the effective date shall not be counted for any  
52 purposes under this plan unless the Natural Resources Police Officer has not received the return  
53 of his or her accumulated contributions in the Public Employees Retirement System pursuant to  
54 §5-10-30 of this code. The member may request in writing within two years of first becoming a  
55 member of the plan to have his or her accumulated contributions and employer contributions from  
56 all credited service, as that term is defined in §5-10-2 of this code, in the Public Employees  
57 Retirement System transferred to the plan regardless of whether the credited service was earned  
58 as a Natural Resources Police Officer. If the conditions of the subsection are met, all years of the  
59 Natural Resources Police Officer's credited service shall be counted as years of service for the  
60 purposes of this article.

61 (e) Any certified law enforcement officer who has law enforcement service with a  
62 participating public employer in the Public Employees Retirement System who is first employed in  
63 covered employment between the effective date of this article and June 30, 2026, and who has not  
64 commenced retirement under the Public Employees Retirement System, shall be a member of this  
65 retirement system. For purposes of this subsection, the member's years of service and credited  
66 service prior to the effective date shall not be counted for any purposes under this plan unless the  
67 Natural Resources Police Officer has not received the return of his or her accumulated  
68 contributions in the Public Employees Retirement System pursuant to §5-10-30 of this code. The  
69 member may request in writing within two years of first becoming a member of the plan to have up  
70 to a maximum of three years of his or her accumulated contributions and employer contributions

71 from credited service, as that term is defined in §5-10-2 of this code, earned while performing  
72 service as a certified law enforcement officer in the Public Employees Retirement System  
73 transferred to the plan. If the member has more than three years of credited service as a certified  
74 law enforcement officer in the Public Employees Retirement System, the accumulated  
75 contributions and employer contributions of the first thirty-six months of credited service with full  
76 salary as a certified law enforcement officer shall be transferred. If the conditions of the subsection  
77 are met, the maximum three years of credited service in the Public Employees Retirement System  
78 as a certified law enforcement officer shall be counted as years of service for the purposes of this  
79 article.

80 (f) Any Natural Resources Police Officer who was employed as a Natural Resources  
81 Police Officer prior to the effective date of this article and who was rehired as a Natural Resource  
82 Police Officer on or after July 1, 2026, and who has not commenced retirement under the Public  
83 Employees Retirement System, shall become a member upon rehire as a Natural Resources  
84 Police Officer. For purposes of this subsection, the member's years of service and credited service  
85 prior to the effective date shall not be counted for any purposes under this plan unless the Natural  
86 Resources Police Officer has not received the return of his or her accumulated contributions in the  
87 Public Employees Retirement System pursuant to §5-10-30 of this code. The member may  
88 request in writing within one year of first becoming a member of the plan to have his or her  
89 accumulated contributions and employer contributions from covered employment in the Public  
90 Employees Retirement System transferred to the plan. If the conditions of the subsection are met,  
91 all years of the Natural Resources Police Officer's covered employment shall be counted as years  
92 of service for the purposes of this article.

93 (g) Once made, the election provided in this section is irrevocable. All Natural Resources  
94 Police Officers first employed after the effective date and Natural Resources Police Officers  
95 electing to become members as described in this section shall be members as a condition of  
96 employment and shall make the contributions required by §20-18-8 of this code.

(h) Notwithstanding any other provisions of this article to the contrary, any individual who is a leased employee is not eligible to participate in the plan. For purposes of this plan, a "leased employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or similar organization. If a question arises regarding the status of an individual as a leased employee, the board has final power to decide the question. Additionally, any individual who is an Emergency Natural Resources Police Officer as defined in §20-7-1(c) of this code, Special Natural Resources Police Officer as defined in §20-7-1(d) of this code, Forestry Special Natural Resources Police Officer as defined in §20-7-1(e) of this code, or Federal Law Enforcement Officer as defined in §20-7-1b of this code, is not eligible to participate in the plan.

(i) All West Virginia correctional classifications shall be included in the West Virginia Division of Natural Resources Officer Retirement System.

NOTE: The purpose of this bill is to include West Virginia correctional classifications in the Natural Resources Officer Retirement System.

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