

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 1025

(By Mr. Shifflet and Mr. Marasco)

PASSED April 4, 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE  
OF CAROL F. HEICKELL III  
SECRETARY OF STATE  
THIS DATE 4-11-73

1025

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# House Bill No. 1025

(By MR. SHIFLET and MR. MORASCO)

[Passed April 4, 1973; in effect ninety days from passage.]

AN ACT to amend article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-one-a, relating to permitting certain employers and employees to retroactively participate in the public employees retirement system upon said employers and employees making retroactive contributions to the public employees retirement system after the first day of July, one thousand nine hundred sixty-one; employers permitted to make retroactive contributions over a fifteen year period, requirements of employee and employer contributions based on actuarial study, actuarial fees to be paid by employer, period within which employer may elect to provide retroactive benefits.

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

That article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-one-a, to read as follows:

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.**

**§5-10-31a. Retroactive contributions to the retirement system.**

- 1 Those public employers who are participating in the West
- 2 Virginia public employees retirement system and elected to

3 participate after the first day of July, one thousand nine  
4 hundred sixty-one, and those employers who are eligible but  
5 who have not elected to participate, may elect to cover their  
6 employees retroactively for the period of their prior employ-  
7 ment by such employer to the first day of July, one thousand  
8 nine hundred sixty-one, under the following terms and rules  
9 and regulations to be promulgated by the board of trustees of  
10 the retirement system:

11 (a) The participating employer, in order to provide the  
12 benefits set forth herein, shall pay an additional contribution  
13 to the retirement system as shall be the actuarial equivalent of  
14 the amount which would have been contributed, together  
15 with earnings thereon, by the employer had the employee to  
16 receive retroactive credit been covered during the period of  
17 the retroactive service credit; such contribution may be made  
18 by the employer either in one lump sum or at the election of  
19 the employer by level term payments over a period not in  
20 excess of fifteen years or by both such lump sum payments  
21 and level term payments all of which shall be as determined  
22 by the employer and such board of trustees under rules and  
23 regulations promulgated by such board;

24 (b) The additional service credit shall be applicable to  
25 employees working for the participating employer on the  
26 effective date of the change of date of participation;

27 (c) There shall be no increase in benefits and annuities  
28 paid to former members of the system who were retired prior  
29 to the effective date of this section;

30 (d) Such employees before becoming entitled to such retro-  
31 active service credit under the provisions of this section shall  
32 make such additional contribution to the retirement system  
33 as shall be the actuarial equivalent of the amount which  
34 would have been contributed, together with earnings thereon,  
35 by the employee had the employee been covered during the  
36 period of the retroactive service credit;

37 (e) Each employer and employee shall be required to pay  
38 into the retirement system in the manner hereinafter provided  
39 the amount necessary for the additional service credit provided  
40 by this section, based upon an actuarial study of each em-  
41 ployer that elects to participate in the retirement system  
42 under this section and as determined by the board of trustees;

43 . . . (f) The actuarial basis for determining the additional con-  
44 tributions shall be that currently in effect for the valuation of  
45 the retirement system on the effective date of the employer's  
46 election;

47 (g) Any new participating employer and any participating  
48 employer which is currently a participant and who began  
49 participating after the first day of July, one thousand nine  
50 hundred sixty-one, who desires additional service credit must  
51 elect to provide such service credit within one year following  
52 the effective date of this section.

53 (h) Any participating employer requesting additional ser-  
54 vice credit as provided by this section shall provide such  
55 employee data as may be requested from the board of trustees  
56 of the retirement system for the determination of the em-  
57 ployer's contributions; and

58 (i) The consulting actuary's fees for computing the addi-  
59 tional contribution rates under this section shall be paid  
60 directly by the participating employer to the consulting actuary  
61 selected by the board of trustees of the retirement system.

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

*H. Warral Darley*  
Chairman Senate Committee

*Lawrence C. Greenbaum*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Belanson*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*D. J. Boynton*  
President of the Senate

*Lewis T. McMane*  
Speaker House of Delegates

The within *approved* this the *11th*  
*April* day of \_\_\_\_\_, 1973.

*Arch A. Phares*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/10/73

Time 10:35 a.m.