

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 606

BY SENATORS NELSON, DEEDS, HUNT, AND HAMILTON

[Passed February 16, 2024; in effect 90 days from
passage (May 16, 2024)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 FEB 28 P 4: 35

FILED

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FILED

1 AN ACT to amend and reenact §20-18-8, §20-18-20, §20-18-25, and §20-18-26 of the Code of
2 West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers
3 Retirement System; permitting the employer contribution to be set by the board; clarifying
4 payment upon death of member with less than 10 years of contributing service; and
5 clarifying surviving spouse benefits when the member dies from duty related or non-duty
6 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.

1 (a) There shall be deducted from the monthly salary of each member and paid into the
2 fund an amount equal to nine and one-half percent of his or her monthly salary.

3 (b) An amount equal to an additional percentage of the monthly salary of each member
4 shall be paid to the fund by the employer as annually reviewed and actuarially set by the board.

5 (c) If the board finds that the benefits provided by this article can be actuarially funded with
6 a lesser contribution, then the board shall reduce the required member or employer contributions
7 or both. The sums withheld each pay date shall be paid to the fund no later than 15 days following
8 the end of the pay date.

9 (d) Any active member who has concurrent employment in an additional job or jobs and
10 the additional employment requires the Natural Resources Police Officer to be a member of
11 another retirement system which is administered by the Consolidated Public Retirement Board
12 pursuant to §5-10D-1 *et seq.* of this code shall make an additional contribution to the fund of nine
13 and one-half percent of his or her monthly salary earned from any additional employment which
14 requires the Natural Resources Police Officer to be a member of another retirement system which
15 is administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 *et seq.* of this

16 code. An additional employer contribution shall be paid to the fund by the concurrent employer
17 for which the member is employed in an amount determined by the board. If the board finds that
18 the benefits provided by this article can be funded with a lesser contribution, then the board shall
19 reduce the required member, or employer contributions or both. The sums withheld each calendar
20 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.

1 (a) Any member who terminates covered employment and is not eligible to receive
2 disability or retirement income benefits under this article is, by written request filed with the board,
3 entitled to receive from the fund the member's accumulated contributions. Except as provided in
4 subsection (b) of this section, upon withdrawal the member shall forfeit his or her accrued benefit
5 and cease to be a member.

6 (b) Any member of this plan who ceases employment in covered employment and active
7 participation in this plan, and who thereafter becomes reemployed in covered employment may
8 not receive any credited service for any prior withdrawn accumulated contributions from either
9 this plan or the Public Employees Retirement System relating to the prior covered employment
10 unless following his or her return to covered employment and active participation in this plan, the
11 member redeposits in this plan the amount of the withdrawn accumulated contributions submitted
12 on salary earned while a Natural Resources Police Officer, together with interest on the
13 accumulated contributions at the rate determined by the board from the date of withdrawal to the
14 date of redeposit. Upon repayment he or she shall receive the same credit on account of his or
15 her former service in covered employment as if no refund had been made. The repayment
16 authorized by this subsection shall be made in a lump sum within 60 months of the Natural
17 Resources Police Officer's reemployment in covered employment or if later, within 60 months of
18 the effective date of this article.

19 (c) A member of this plan who has elected to transfer from the Public Employees
20 Retirement System into this plan pursuant to §20-18-6(b) of this code may not, after having
21 transferred into and become an active member of this plan, reinstate to his or her credit in this
22 plan any service credit relating to periods of non-Natural Resources Police Officer service which
23 were withdrawn from the Public Employees Retirement System plan prior to his or her elective
24 transfer into this plan.

25 (d) Any member of this plan who: (1) Was employed as a Natural Resource Police Officer
26 prior to the effective date of this article; and (2) was not employed as a Natural Resource Police
27 Officer on the effective date of this article; and (3) thereafter becomes reemployed in covered
28 employment, may not receive any credited service for any previously withdrawn accumulated
29 contributions from either this plan or the Public Employees Retirement System relating to the prior
30 covered employment unless, following his or her return to covered employment and active
31 participation in this plan, the member redeposits in this plan the amount of the withdrawn
32 accumulated contributions submitted on salary earned while a Natural Resources Police Officer,
33 together with interest on the accumulated contributions at the rate determined by the board from
34 the date of withdrawal to the date of redeposit. Upon repayment he or she shall receive the same
35 credit for his or her former service in covered employment as if no refund had been made. The
36 repayment required by this subsection shall be made in a lump sum within 60 months of the
37 Natural Resource Police Officers reemployment in covered employment.

38 (e) If a member dies from any cause other than those specified in §20-18-25 of this code
39 and does not have 10 or more years of contributory service, the member's accumulated
40 contributions may be paid to a named beneficiary or beneficiaries. If no beneficiary is named, then
41 the accumulated contributions shall be paid to the estate of the deceased member.

42 (f) Every member who completes 120 months of covered employment is eligible, upon
43 cessation of covered employment, to either withdraw his or her accumulated contributions in

44 accordance with subsection (a) of this section, or to choose not to withdraw his or her accumulated
45 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
47 be 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.**

1 (a) The surviving spouse of any member who dies by reason of injury, illness, or disease
2 resulting from an occupational risk or hazard inherent in or peculiar to the service required of
3 members, while the member was or is engaged in the performance of his or her duties as a
4 Natural Resources Police Officer, or the surviving spouse of a member who dies from any cause
5 while receiving benefits pursuant to §20-18-21 of this code, is entitled to receive and shall be paid
6 from the fund benefits as follows: To the surviving spouse annually, in equal monthly installments
7 during his or her lifetime an amount equal to the greater of: (i) Two thirds of the annual
8 compensation received by the deceased member during the last 12 full months of contributory
9 service; or (ii) if the member dies after meeting normal retirement age requirements, the monthly
10 amount which the spouse would have received had the member retired the day before his or her
11 death, elected a 100 percent joint and survivor annuity with the spouse as the joint annuitant, and
12 then died.

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

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

1 (a) In any case where a member who has been a contributing member for at least 10 years
2 dies prior to retirement from any cause other than those specified in §20-18-25 of this code, and

3 not due to vicious habits, intemperance, or willful misconduct on his or her part, the fund shall pay
4 annually in equal monthly installments to the surviving spouse during his or her lifetime, a sum
5 equal to the greater of: (i) One half of the annual compensation received by the deceased member
6 during the last 12 full months of contributory service; or (ii) if the member dies after meeting normal
7 retirement age requirements, the monthly amount which the spouse would have received had the
8 member retired the day before his or her death, elected a 100 percent joint and survivor annuity
9 with the spouse as the joint annuitant, and then died.

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

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

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Julie Ann
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the Senate.

In effect 90 days from passage.

Robert Byrd
.....
President of the Senate

Don Hancock
.....
Speaker of the House of Delegates

The within is *approved* this the *28th*
Day of *February* 2024.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

FEB 22 2024

Time 12:32 pm