

# **WEST VIRGINIA LEGISLATURE**

**FIRST REGULAR SESSION, 2011**



# **ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR**

**House Bill No. 2766**

(By Delegates Pethtel, Canterbury, Givens,  
Ennis, Guthrie and D. Poling)



Passed March 8, 2011

In Effect From Passage

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## H. B. 2766

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(BY DELEGATES PETHTEL, CANTERBURY, GIVENS,  
ENNIS, GUTHRIE AND D. POLING)

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[Passed March 8, 2011; in effect from passage.]

AN ACT to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum contribution rate to be paid by the county commission or concurrent employer.

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

That §7-14D-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.**

**§7-14D-7. Members' contributions; employer contributions.**

1 (a) There shall be deducted from the monthly salary of  
2 each member and paid into the fund an amount equal to eight  
3 and one-half percent of his or her monthly salary. An  
4 additional amount shall be paid to the fund by the county  
5 commission of the county in which the member is employed  
6 in covered employment in an amount determined by the  
7 board: *Provided*, That in any year preceding July 1, 2011,  
8 the total of the contributions provided in this section, to be  
9 paid by the county commission, may not exceed ten and one-  
10 half percent of the total payroll for the members in the  
11 employ of the county commission; *Provided, however*, That  
12 on or after July 1, 2011, the total of the contributions  
13 provided in this section, to be paid by the county  
14 commission, may not exceed thirteen percent of the total  
15 payroll for the members in the employ of the county  
16 commission. If the board finds that the benefits provided by  
17 this article can be actually funded with a lesser contribution,  
18 then the board shall reduce the required member or employer  
19 contributions or both. The sums withheld each calendar  
20 month shall be paid to the fund no later than fifteen days  
21 following the end of the calendar month.

22 (b) Any active member who has concurrent employment  
23 in an additional job or jobs and the additional employment  
24 requires the deputy sheriff to be a member of another  
25 retirement system which is administered by the Consolidated  
26 Public Retirement Board pursuant to article ten-d, chapter  
27 five of this code shall make an additional contribution to the  
28 fund of eight and one-half percent of his or her monthly  
29 salary earned from any additional employment which  
30 requires the deputy sheriff to be a member of another  
31 retirement which is administered by the Consolidated Public  
32 Retirement Board pursuant to article ten-d, chapter five of  
33 this code. An additional amount shall be paid to the fund by  
34 the concurrent employer for which the member is employed  
35 in an amount determined by the board: *Provided*, That in any

36 year preceding July 1, 2011, the total of the contributions  
37 provided in this section, to be paid by the concurrent  
38 employer, may not exceed ten and one-half percent of the  
39 monthly salary of the employee; *Provided, however,* That on  
40 or after July 1, 2011, the total of the contributions provided  
41 in this section, to be paid by the concurrent employer, may  
42 not exceed thirteen percent of the monthly salary of the  
43 employee. If the board finds that the benefits provided by  
44 this article can be funded with a lesser contribution, then the  
45 board shall reduce the required member or employer  
46 contributions or both. The sums withheld each calendar  
47 month shall be paid to the fund no later than fifteen days  
48 following the end of the calendar month.

49 (c) If any change or employer error in the records of any  
50 participating public employer or the retirement system results  
51 in any member receiving from the system more or less than  
52 he or she would have been entitled to receive had the records  
53 been correct, the board shall correct the error, and as far as is  
54 practicable shall adjust the payment of the benefit in a  
55 manner that the actuarial equivalent of the benefit to which  
56 the member was correctly entitled shall be paid. Any  
57 employer error resulting in an underpayment to the retirement  
58 system may be corrected by the member remitting the  
59 required employee contribution and the participating public  
60 employer remitting the required employer contribution.  
61 Interest shall accumulate in accordance with the retirement  
62 board reinstatement interest as established in Legislative Rule  
63 162 CSR 7, and any accumulating interest owed on the  
64 employee and employer contributions resulting from the  
65 employer error shall be the responsibility of the participating  
66 public employer. The participating public employer may  
67 remit total payment and the employee reimburse the  
68 participating public employer through payroll deduction over  
69 a period equivalent to the time period during which the  
70 employer error occurred.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

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*Governor*