WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 2415
(By Mr. Speaker, Mr. Kiss, and Delegates Jenkins, Hock, Ashley, Varner, Pettit and Stalton)

Passed March 14, 1998

In Effect Ninety Days from Passage
AN ACT to amend and reenact section one, article ten-d, chapter five of the code of West Virginia, one thousand nine hundred thirty-one; to amend chapter seven of said code by adding thereto two new articles, designated article fourteen-d and fourteen-e; and to amend and reenact section seventeen, article three, chapter seventeen-a, all relating to retirement, death and disability benefits for deputy sheriffs; providing that the consolidated retirement board administer the new retirement system; providing definitions for the article; creating the deputy sheriff's retirement system; stating that the article is to be liberally construed; allowing the board to promulgate rules for the administration of the fund; establishing membership qualifications; creating a trust fund for investment of contributions; establishing member and employer contribution amount; providing for transfer of assets; providing credited service through member's use, as an option, of accrued annual or sick leave days; establishing value of assets for transfer; requiring a test case; providing safeguards to the public employees retirement system; establishing for the commencement of benefits; establishing
benefits for normal, early and late retirement; establishing annuity options; providing for refunds to members upon certain conditions; providing for disability retirements; allowing deputies with a prior disability to become member of plan; benefits for surviving spouses; benefits for dependents; establishing death benefits; prohibiting double benefits; authorizing loans to members; authorizing sheriff’s to become member of plan; establishing fraudulent practices and criminal penalties therefor; and providing military service credits; providing effective date and benefit beginning dates; providing limitation on county liability; setting forth legislative findings and purposes; establishing statewide uniform fees for certain reports generated by sheriff’s offices and dedicating those fees; requiring sheriffs to issue motor vehicle registration renewals; and providing that one-half of the fee charged by sheriffs for issuing motor vehicle registration renewals be dedicated to the deputy sheriff retirement fund.

Be it enacted by the Legislature of West Virginia:

That section one, article ten-d, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that chapter seven of said code be amended by adding thereto two new articles, designated article fourteen-d and fourteen-e; and that section seventeen, article three, chapter seventeen-a be amended and reenacted, all to read as follows:

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.

§5-10D-1. Consolidated public retirement board created; transition; members; vacancies.

(a) There is hereby continued a consolidated public retirement board to administer all public retirement plans in this state. It shall administer the public employees retirement system established in article ten of this chapter;
the teachers retirement system established in article seven-
a, chapter eighteen of this code; the teachers’ defined
contribution retirement system created by article seven-b,
chapter eighteen of this code; the death, disability and
retirement fund of the department of public safety created
by article two, chapter fifteen of this code; the death,
disability and retirement fund for deputy sheriffs created
by article fourteen-d, chapter seven of this code; and the
judges’ retirement system created under article nine,
chapter fifty-one of this code.

(b) The consolidated public retirement board shall
begin administration of the death, disability and retirement
fund for deputy sheriffs established in article fourteen-d,
chapter seven of this code on the first day of July, one
thousand nine hundred ninety-eight.

(c) The membership of the consolidated public
retirement board consists of:

(1) The governor or his or her designee;
(2) The state treasurer or his or her designee;
(3) The state auditor or his or her designee;
(4) The secretary of the department of administration
or his or her designee;
(5) Four residents of the state, who are not members,
retirants or beneficiaries of any of the public retirement
systems, to be appointed by the governor, with the advice
and consent of the Senate; and
(6) A member, annuitant or retirant of the public
employees retirement system who is or was a state
employee; a member, annuitant or retirant of the public
employees retirement system who is not or was not a state
employee; a member, annuitant or retirant of the teachers
retirement system; a member, annuitant or retirant of the
department of public safety death, disability and
retirement fund; a member, annuitant or retirant of the
deputy sheriff’s death, disability and retirement fund; and
a member, annuitant or retirant of the teachers’ defined
contribution retirement system, all to be appointed by the
governor, with the advice and consent of the Senate.

(d) The appointed members of the board shall serve
five-year terms. The governor shall appoint the member
representing the deputy sheriff's death, disability and
retirement fund by the first day of July, one thousand nine
hundred ninety-eight to a five year term. A member
appointed pursuant to subdivision (5), subsection (c) of
this section ceases to be a member of the board if he or
she ceases to be a member of the represented system. If a
vacancy occurs in the appointed membership, the
governor, within sixty days, shall fill the vacancy by
appointment for the unexpired term. No more than five
appointees shall be of the same political party.

(e) The consolidated public retirement board has all
the powers, duties, responsibilities and liabilities of the
public employees retirement system established pursuant
to article ten, of this chapter; the teachers retirement
system established pursuant to article seven-a, chapter
eighteen of this code; the teachers' defined contribution
system established pursuant to article seven-b, chapter
eighteen of this code; the death, disability and retirement
fund of the department of public safety created pursuant
to article two, chapter fifteen of this code; the death,
disability and retirement fund for deputy sheriffs created
pursuant to article fourteen-d, chapter seven of this code;
and the judges' retirement system created pursuant to
article nine, chapter fifty-one of this code and their
appropriate governing boards. The consolidated public
retirement board may propose for promulgation all rules
necessary to effectuate its powers, duties and
responsibilities pursuant to article three, chapter twenty-
nine-a of this code: Provided, That the board may adopt
any or all of the rules, previously promulgated, of a
retirement system which it administers.

(f) Effective on the first day of July, one thousand
nine hundred ninety-six, the consolidated public
retirement board shall, within two business days of receipt,
transfer all funds received by the consolidated public
retirement board for the benefit of the retirement systems
within the consolidated pension plan as defined in section three-c, article six-b, chapter forty-four of this code, including, but not limited to, all employer and employee contributions, to the West Virginia investment management board: Provided, That the employer and employee contributions of the teachers’ defined contribution system, established in section three, article seven-b, chapter eighteen of this code, and voluntary deferred compensation funds invested by the West Virginia consolidated public retirement board pursuant to section five, article ten-b of this chapter, may not be transferred to the West Virginia investment management board.

(g) The consolidated public retirement board shall be a trustee for all public retirement plans, except with regard to the investment of funds: Provided, That the consolidated public retirement board shall be a trustee with regard to the investments of the teachers’ defined contribution system, and voluntary deferred compensation funds invested pursuant to section five, article ten-b of this chapter.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.
ARTICLE 14D. DEPUTY SHERIFF RETIREMENT ACT.

§7-14D-1. Short title.

This article is known and may be cited as the “West Virginia Deputy Sheriff Retirement System Act”.

§7-14D-2. Definitions.

As used in this article, unless a federal law or regulation or the context clearly requires a different meaning:

(a) “Accrued benefit” means on behalf of any member two and one-quarter percent of the member’s final average salary multiplied by the member’s years of credited service. A member’s accrued benefit may not exceed the limits of section 415 of the Internal Revenue Code.
(b) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member, or paid on his or her behalf pursuant to article ten-c, chapter five of this code, either pursuant to section seven of this article or section twenty-nine, article ten, chapter five, of this code as a result of covered employment together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time active duty with any branch of the armed forces of the United States, including service with the national guard or reserve military forces when the member has been called to active full-time duty and has received no compensation during the period of that duty from any board on other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed upon the basis of the mortality table and interest rates as the consolidated public retirement board may adopt from time to time.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of section 3401(a) of the Internal Revenue Code but determined without regard to any rules that limit the remuneration included in wages based upon the nature or location of employment or services performed during the plan year plus amounts excluded under section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed one hundred fifty thousand dollars as adjusted for cost of living in accordance with section 401(a)(17)(B) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the first period for which an amount is received as an annuity by reason of retirement.
(h) "Base salary" means a member’s cash compensation exclusive of overtime from covered employment during the last twelve months of employment. Until a member has worked twelve months, annualized base salary is used as base salary.

(i) “Board” means the consolidated public retirement board created pursuant to article ten-d, chapter five of this code.

(j) “County commission” has the meaning ascribed to it in section one, article one, chapter seven of this code.

(k) “Covered employment” means either: (1) Employment as a deputy sheriff and the active performance of the duties required of a deputy sheriff; or (2) the period of time which active duties are not performed but disability benefits are received under section thirteen or fourteen of this article.

(l) “Credited service” means the sum of a member’s years of service, military service, disability service and annual leave service.

(m) “Deputy sheriff” means an individual employed as a county law-enforcement deputy sheriff in this state and as defined by section two, article fourteen, chapter seven of this code.

(n) “Dependent child” means:

(1) An unmarried person under age eighteen who is either:

(A) A natural child of the member;
(B) A legally adopted child of the member;
(C) A child who at the time of the member’s death was living with the member while the member was an adopting parent during any period of probation; or
(D) A stepchild of the member residing in the member’s household at the time of the member’s death.

(2) Any unmarried child under age twenty-three: (A) Who is enrolled as a full-time student in an accredited
college or university; (B) who was claimed as a dependent by the member for federal income tax purposes at the time of member's death; and (C) whose relationship with the member is described in subparagraph (A), (B) or (C), paragraph (1) of this subdivision.

(o) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

(p) "Disability service" means service received by a member, expressed in whole years, fractions thereof or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under section thirteen or fourteen of this article.

(q) "Early retirement age" means age forty or over and completion of twenty years of service.

(r) "Effective date" means the first day of July, one thousand nine hundred ninety-eight.

(s) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last ten years of service. If the member did not have annual compensation for the five full plan years preceding the member's attainment of normal retirement age and during that period the member received disability benefits under section thirteen or fourteen of this article then "final average salary" means the average of the monthly salary determined paid to the member during that period as determined under section seventeen of this article multiplied by twelve.

(t) "Fund" means the West Virginia deputy sheriff retirement fund created pursuant to section six of this article.

(u) "Hour of service" means:

(1) Each hour for which a member is paid or entitled to payment for covered employment during which time
active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and

(2) Each hour for which a member is paid or entitled to payment for covered employment during a plan year but where no duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence, or any combination thereof, and without regard to whether the employment relationship has terminated. Hours under this paragraph shall be calculated and credited pursuant to West Virginia department of labor regulations. A member will not be credited with any hours of service for any period of time he or she is receiving benefits under section fourteen or fifteen of this article; and

(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission, irrespective of mitigation of damages. The same hours of service shall not be credited both under paragraph (1) or (2) of this subdivision, and under this paragraph. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement or payment is made.

(v) “Member” means a person first hired as a deputy sheriff after the effective date of this article, as defined in subsection (r) of this section, or a deputy sheriff first hired prior to the effective date and who elects to become a member pursuant to section five or section seventeen of this article. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited.

(w) “Monthly salary” means the portion of a member’s annual compensation which is paid to him or her per month.

(x) “Normal form” means a monthly annuity which is one twelfth of the amount of the member’s accrued benefit which is payable for the member’s life. If the member dies before the sum of the payments he or she
receives equals his or her accumulated contributions on
the annuity starting date, the named beneficiary shall
receive in one lump sum the difference between the
accumulated contributions at the annuity starting date and
the total of the retirement income payments made to the
member.

(y) "Normal retirement age" means the first to occur
of the following:

(1) Attainment of age fifty years and the completion
of twenty or more years of service;

(2) While still in covered employment, attainment of at
least age fifty years, and when the sum of current age plus
years of service equals or exceeds seventy years;

(3) While still in covered employment, attainment of at
least age sixty years, and completion of five years of
service; or

(4) Attainment of age sixty-two years and completion
of five or more years of service.

(z) "Partially disabled" means a member’s inability
to engage in the duties of deputy sheriff by reason of any
medically determinable physical or mental impairment
that can be expected to result in death or that has lasted or
can be expected to last for a continuous period of not less
than twelve months. A member may be determined
partially disabled for the purposes of this article and
maintain the ability to engage in other gainful
employment which exists within the state but which ability
would not enable him or her to earn an amount at least
equal to two thirds of the annual compensation earned by
all active members of this plan during the plan year
ending as of the most recent thirtieth day of June, as of
which plan data has been assembled and used for the
actuarial valuation of the plan.

(aa) “Public employees retirement system” means the
West Virginia public employee’s retirement system
created by article ten, chapter five of this code.
(hh) “Totally disabled” means a member’s inability to engage in substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months.

For purposes of this subdivision:

(1) A member is totally disabled only if his or her physical or mental impairment or impairments is so severe that he or she is not only unable to perform his or her previous work as a deputy sheriff but also cannot, considering his or her age, education and work experience, engage in any other kind of substantial gainful employment which exists in the state regardless of whether: (A) The work exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or (C) the member would be hired if he or she applied for work.

(2) “Physical or mental impairment” is an impairment that results from an anatomical, physiological,
or psychological abnormality that is demonstrated by medically accepted clinical and laboratory diagnostic techniques.

A member’s receipt of social security disability benefits creates a rebuttable presumption that the member is totally disabled for purposes of this plan. Substantial gainful employment rebuts the presumption of total disability.

(ii) “Year of service”. A member shall, except in his or her first and last years of covered employment, be credited with year of service credit based upon the hours of service performed as covered employment and credited to the member during the plan year based upon the following schedule:

<table>
<thead>
<tr>
<th>Hours of Service</th>
<th>Year of Service Credited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>0</td>
</tr>
<tr>
<td>500 to 999</td>
<td>1/3</td>
</tr>
<tr>
<td>1,000 to 1,499</td>
<td>2/3</td>
</tr>
<tr>
<td>1,500 or more</td>
<td>1</td>
</tr>
</tbody>
</table>

During a member’s first and last years of covered employment, the member shall be credited with one twelfth of a year of service for each month during the plan year in which the member is credited with an hour of service. A member is not entitled to credit for years of service for any time period during which he or she received disability payments under section fourteen or fifteen of this article. Except as specifically excluded, years of service include covered employment prior to the effective date.

Years of service which are credited to a member prior to his or her receipt of accumulated contributions upon termination of employment pursuant to section thirteen of this article or section thirty, article ten, chapter five of this code, shall be disregarded for all purposes under this plan unless the member repays the accumulated contributions with interest pursuant to section twelve of this article or had prior to the effective date made the repayment
pursuant to section eighteen, article ten, chapter five of this code.


Any term used in this article shall have the same meaning as when used in a comparable context in the laws of the United States, unless a different meaning is clearly required. Any reference in this article to the Internal Revenue Code includes all amendments made to the laws of the United States after the thirty-first day of December, one thousand nine hundred ninety-five, but prior to the first day of January, one thousand nine hundred ninety-eight, but no amendment to the laws of the United States made on or after the first day of January, one thousand nine hundred ninety-eight, shall be given any effect.

§7-14D-3. Creation and administration of West Virginia deputy sheriff retirement system.

There is created the West Virginia deputy sheriff retirement system. The purpose of this system is to provide for the orderly retirement of deputy sheriffs who become superannuated because of age or permanent disability and to provide certain survivor death benefits. The retirement system constitutes a body corporate. All business of the system shall be transacted in the name of the West Virginia deputy sheriff retirement system.

§7-14D-4. Article to be liberally construed; supplements federal social security.

(a) The provisions of this article shall be liberally construed so as to provide a general retirement system for deputy sheriffs eligible to retire under the provisions of this plan. Nothing in this article may be construed to permit a county to substitute this plan for federal social security now in force in West Virginia.

(b) The board shall administer the plan in accordance with its terms and may construe the terms and determine all questions arising in connection with the administration, interpretation and application of the plan. The board may sue and be sued, contract and be contracted with and conduct all the business of the system in the name of the

13 plan. The board may employ those persons it considers
14 necessary or desirable to administer the plan. The board
15 shall administer the plan for the exclusive benefit of the
16 members and their beneficiaries subject to the specific
17 provisions of the plan. This plan and the moneys held in
18 trust under the plan constitute a qualified trust under
19 section 401 of the Internal Revenue Code and shall be
20 administered and construed as a qualified trust.

§7-14D-5. Members.

(a) Any deputy sheriff first employed by a county in
2 covered employment after the effective date of this article
3 shall be a member of this retirement system and plan and
4 may not qualify for membership in any other retirement
5 system administered by the board, so long as he or she
6 remains employed in covered employment.

(b) Any deputy sheriff employed in covered
7 employment on the effective date of this article shall
8 within six months of that effective date notify in writing
9 both the county commission in the county in which he or
10 she is employed and the board of his or her desire to
11 become a member of the plan. Any deputy sheriff who
12 elects to become a member of the plan ceases to be a
13 member or have any credit for employment in any other
14 retirement system administered by the board and shall
15 continue to be ineligible for membership in any other
16 retirement system administered by the board so long as
17 the deputy sheriff remains employed in covered
18 employment. Any deputy sheriff who does not
19 affirmatively elect to become a member of the plan
20 continues to be eligible for any other retirement system as
21 is from time to time offered to other county employees
22 but is ineligible for this plan regardless of any subsequent
23 termination of employment and rehire.

(c) Any deputy sheriff who was employed as a deputy
26 sheriff prior to the effective date, but was not employed on
27 the effective date of this article, shall become a member
28 upon rehire as a deputy sheriff. For purposes of this
29 section, the member’s years of service and credited service
30 prior to the effective date shall not be counted for any
31 purposes under this plan unless: (1) The deputy sheriff
has not received the return of his or her accumulated
contributions in the public employees retirement fund
system pursuant to section thirty, article ten, chapter five
of this code; or (2) the accumulated contributions
returned to the member from the public employees
retirement system have been repaid pursuant to section
twelve of this article. If the conditions of subdivision (1)
or (2) of this subsection are met, all years of the deputy
sheriff’s covered employment shall be counted as years of
service for the purposes. In connection with each deputy
sheriff receiving credit for prior employment provided in
this subsection, a transfer from public employees
retirement system to this plan shall be made pursuant to
the procedures described in section eight of this article.

(d) Once made, the election made under this section is
irrevocable. All deputy sheriffs first employed after the
effective date and deputy sheriffs electing to become
members as described in this section shall be members as a
condition of employment and shall make the
contributions required by section seven of this article.

§7-14D-6. Creation of fund; investments.

(a) There is created the “West Virginia deputy sheriff
retirement fund” for the benefit of the members of the
retirement system created pursuant to this article and the
dependents of any deceased or retired member of the
system.

(b) All moneys paid into and accumulated in the fund,
except such amounts as are designated by the board for
payment of benefits as provided in this article, shall be
held in trust and invested in the consolidated pensions
fund as administered by the state investment management
board as provided by law.

§7-14D-7. Members’ contributions; employer contributions.

There shall be deducted from the monthly salary of
each member and paid into the fund an amount equal to
eight and one-half percent of his or her monthly salary.
An additional nine and one-half percent of the monthly
salary of each member shall be paid to the fund by the
county commission of the county in which the member is employed in covered employment. If the board finds that the benefits provided by this article can be actually funded with a lesser contribution, then the board shall reduce the required member and employer contributions proportionally.

§7-14D-8. Transfer from public employees retirement system.

(a) The consolidated retirement board shall within ninety days of the effective date of the transfer of a deputy from the public employees retirement system to the plan shall, transfer assets from the public employees retirement system trust fund into the West Virginia deputy sheriff trust fund. The amount to be transferred from the public employees retirement system includes all contributions made by each transferring deputy plus the employers matching contribution for the retiring deputy and an amount representing the normal amount of interest the transferring deputy earned on all his or her contributions and the contributions his or her employer made on behalf of the transferring deputy.

(b) The amount of assets to be transferred for each transferring deputy shall be computed as of the first day of July, one thousand nine hundred ninety-eight, using the actuarial valuation assumptions in effect for the first day of July, one thousand nine hundred ninety-eight, actuarial valuation of public employees retirement system, and updated with seven and one-half percent annual interest to the date of the actual asset transfer. The market value of the assets of the transferring deputy in the public employees retirement system shall be determined as of the end of the month preceding the actual transfer. To determine the computation of the asset share to be transferred the board shall:

(1) Compute the market value of the public employees retirement system assets;

(2) Compute the accrued liability for all public employees retirement system retirees, beneficiaries, disabled retirees and terminated inactive members;
(3) Reduce the market value of public employees retirement system assets by the accrued liability determined in subdivision (2) of this subsection;

(4) Compute the entry age method accrued liability for all active public employees retirement system members;

(5) Compute the share of accrued liability as determined pursuant to subdivision (4) of this subsection, that is attributable to those deputy sheriffs in public employees retirement system who have elected to transfer to the plan;

(6) Compute the percentage of active's accrued liability computed to the deputy sheriffs by dividing subdivision (5) by subdivision (4) of this section;

(7) Determine the asset share to be transferred from public employees retirement system to the plan by multiplying subdivision (3) times subdivision(6) of this section.

(c) Once a deputy sheriff has elected to transfer from the public employees retirement system, transfer by the public employees retirement system of that deputy’s contributions, including all amounts contributed by the deputy’s employer for that deputy with interest upon both the deputy’s and the employer’s contributions shall operate as a complete bar to any further liability to the transferring from the public employees retirement system, and constitutes an agreement whereby the transferring deputy forever indemnifies and holds harmless the public employees retirement system from providing him or her any form of retirement benefit whatsoever until such time as that deputy obtains other employment which would make him or her eligible to re-enter the public employees retirement system with no credit whatsoever for the amounts transferred to the deputy sheriffs retirement system.

(d) The board shall cause a judicial determination to be made regarding the transfer of assets from the public employees retirement system to the deputy sheriffs
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retirement system by causing a suit to be filed in the
supreme court of this state seeking a writ of mandamus on
or before the thirty-first day of July, one thousand nine
hundred ninety-eight.

§7-14D-8a. Notice requirements; test case.

(a) Each county shall prepare a written notice to be
delivered to each deputy sheriff employed prior to the
first day of July, one thousand nine hundred ninety-eight.
This notice shall clearly and accurately explain the
benefits, financial implications and consequences to a
deputy sheriff of electing to participate in the retirement
plan created in this article, including the consequences and
financial implications in regard to the benefits under the
public employees insurance plan as set forth in article
sixteen, chapter five of this code for those deputy sheriffs
employed by a county which participates in that insurance
plan. This notice shall be distributed to each deputy
sheriff and the county shall obtain a signed receipt from
each deputy sheriff acknowledging that the deputy sheriff
was provided a copy of the notice required in this
subsection. If a deputy sheriff makes the election
provided for in section eight of this article, he or she shall
be considered to have made a voluntary, informed
decision in regard to the election to participate in the
retirement system created in this article.

(b) The consolidated retirement board shall cause to
be included in the judicial determination required in
section eight of this article the issue regarding the possible
loss of any rights in regard to benefits accorded the
electing deputy under the West Virginia public employees
insurance act, article sixteen, chapter five of this code, and
whether a deputy sheriff, by electing to participate in the
retirement plan created in this article, is being unlawfully
discriminated against, or is being unlawfully deprived of a
right or benefit to which he or she would otherwise be
entitled.

(c) Nothing in this section may be construed to alter,
affect or change any of the rights and benefits of any
deputy sheriff who has insurance coverage under article
sixteen, chapter five of this code as a result of being a
spouse or dependant of a participant who is the primary insured under article sixteen, chapter five of this code.

(d) Nothing contained in this section may be construed to affect or pertain to any life insurance coverage under article sixteen, chapter five of this code.

§7-14D-9. Retirement; commencement of benefits.

A member may retire and commence to receive retirement income payments upon attaining early or normal retirement age by filing with the board his or her voluntary petition in writing for retirement: Provided, That retirement income payments shall commence no later than the first day of April following the member's seventy and one-half year birthday or the cessation of covered employment, whichever later occurs. Upon receipt of the petition, The board shall promptly provide the member with an explanation of his or her optional forms of retirement benefits and upon receipt of properly executed forms from the member, The board shall process member's request for and commence payments as soon as administratively feasible.

§7-14D-10. Retirement credited service through member's use, as option, of accrued annual or sick leave days.

Any member accruing annual leave or sick leave days may, after the effective date of this section, elect to use the days at the time of retirement to acquire additional credited service in this retirement system: Provided, That the accrued annual or sick leave may not be used to purchase health insurance under the public employees insurance agency until the member reaches the age of fifty-five. The days shall be applied on the basis of two workdays credit granted for each one day of accrued annual or sick leave days, with each month of retirement service credit to equal twenty workdays and with any remainder of ten workdays or more to constitute a full month of additional credit and any remainder of less than ten workdays to be dropped and not used, notwithstanding any provisions of the code to the contrary. The credited service shall be allowed and not considered to controvert
the requirement of no more than twelve months credited service in any year's period.


(a) Normal retirement. — A member who ceases covered employment, has attained normal retirement age, and whose annuity starting date is within forty-five days of the later of the two, shall receive retirement income payments equal to his or her accrued benefit in the normal form or retirement income payments in an optional form as provided under section twelve of this article which is the actuarial equivalent of his or her accrued benefit in the normal form.

(b) Early retirement. — A member who ceases covered employment and has attained early retirement age while in covered employment may elect to receive retirement income payments commencing at age fifty or older which is the actuarial equivalent of the member's accrued benefit which would have been payable at the member's normal retirement age based upon his or her final average salary and years of credited service determined at the cessation of his or her covered employment. Payments will be in the normal form or in an optional form as allowed in section twelve of this article which is the actuarial equivalent of the normal form as reduced for early commencement of benefits.

(c) Late retirement. — A member whose annuity starting date is more than forty-five days after the later of his or her attainment of normal retirement age or the cessation of his or her covered employment shall receive retirement income payments equal to the accrued benefit in the normal form which is the actuarial equivalent of the benefit to which he or she would be entitled had the retirement income payments commenced within forty-five days of the later of his or her attainment of normal retirement age or cessation of covered employment.

(d) Retirement benefits shall be paid monthly in an amount equal to one twelfth of the retirement income payments elected and at those times established by the board. Notwithstanding any other provision of the plan, a
A member who is married on the annuity starting date will receive his or her retirement income payments in the form of a sixty-six and two-thirds percent joint and survivor annuity with his or her spouse unless prior to the annuity starting date the spouse waives the form of benefit.

§7-14D-12. Annuity options.

Prior to the effective date of retirement, but not thereafter, a member may elect to receive retirement income payments in the normal form, or the actuarial equivalent of the normal form from the following options:

(a) Option A - Joint and Survivor Annuity. A life annuity payable during the joint lifetime of the member and his or her beneficiary who is a natural person with an insurable interest in the member’s life. Upon the death of either the member or his or her beneficiary, the benefit shall continue as a life annuity to the survivor in an amount equal to fifty percent, sixty-six and two-thirds percent, seventy-five percent or one hundred percent of the amount paid while both were living as selected by the member. If the retiring member is married, the spouse shall sign a waiver of benefit rights if the beneficiary is to be other than the spouse.

(b) Option B - Contingent Joint and Survivor Annuity. A life annuity payable during the joint lifetime of the member and his or her beneficiary who must be a natural person with an insurable interest in the member’s life. Upon the death of the member, the benefit shall continue as a life annuity to the beneficiary in an amount equal to fifty percent, sixty-six and two-thirds percent, seventy-five percent or one hundred percent of the amount paid while both were living as selected by the member. If the beneficiary dies first, the monthly amount of benefits shall be reduced. If the retiring member is married, the spouse shall sign a waiver of benefit rights if the beneficiary is to be other than the spouse.

(c) Option C - Ten Years Certain and Life Annuity. A life annuity payable during the member’s lifetime but in any event for a minimum of ten years. If the member dies before the expiration of ten years, the remaining payments
shall be made to a designated beneficiary, if any, or otherwise to the member's estate.

(d) Option D - Level Income Annuity. A life annuity payable monthly in an increased amount “A” from the time of retirement until the member is social security retirement age, and then a lesser amount “B” payable for the member's lifetime thereafter, with these amounts computed actuarially to satisfy the following two conditions:

(1) Actuarial equivalence. The actuarial present value at the date of retirement of the member's annuity if taken in the normal form must equal the actuarial present value of the term life annuity in amount “A” plus the actual present value of the deferred life annuity in amount “B”.

(2) Level income. The amount “A” equals the amount “B” plus the amount of the member's estimated monthly social security primary insurance amount that would commence at the date amount “B” becomes payable. For this calculation, the primary insurance amount is estimated when the member applies for retirement, using social security law then in effect, using assumptions established by the board.

(e) Option E - Level Income Joint and Survivor Annuity. An annuity structured under the same methodology as in subdivision (d) of this section, with the term annuity amount “A” payable until the member's social security retirement age and the amount “B” payable as a fifty percent, sixty-six and two-thirds percent, seventy-five percent or one hundred percent joint and survivor annuity upon the member's attaining social security retirement age with the members selecting the applicable percentage rate, if the retiring member is married, the spouse shall sign a waiver of benefit rights if the beneficiary is to be other than the spouse.

(f) Option F - Increasing Annuity. A life annuity payable in any of the forms described in this section, and subject to the corresponding conditions, with the amount of monthly payment increasing at one and one-half percent, two percent or two and one-half percent
compounded annually throughout the life of the annuity. Annuities taken in this form shall be adjusted the first day of April of each year following the member’s annuity starting date with a prorated increase given on the first day of April to retirees who have not yet been retired a full year on that date.

In the case of a member who has elected the options set forth in subdivisions (b) and (e) of this section, respectively, and whose beneficiary dies prior to the member’s death, the member may name an alternative beneficiary. If an alternative beneficiary is named within eighteen months following the death of the prior beneficiary, the benefit shall be adjusted to be the actuarial equivalent of the member’s normal form of benefit. If the election is not made until eighteen months after the death of the prior beneficiary, the amount shall be reduced so that it is only ninety percent of the actuarial equivalent of the member’s normal form of benefit.

§7-14D-13. Refunds to certain members upon discharge or resignation; deferred retirement.

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

(b) Any member who withdraws accumulated contributions from either this plan or the public employees retirement system and thereafter becomes reemployed in covered employment shall not receive any credited service for the prior employment unless following his or her return to covered employment, the member redeposits in the fund the amount of the accumulated contributions, together with interest on the accumulate contributions at the rate determined by the board from the date of withdrawal to the date of redeposit. Upon repayment he or she shall receive the same credit on account of his or her former service as if no refund had been made. The repayment shall be made in a lump sun
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21 within sixty months of the deputy sheriff's reemployment
22 sum or if later, within sixty months of the effective date of
23 this article.

24 (c) Every member who completes sixty months of
25 covered employment is eligible, upon cessation of covered
26 employment, to either withdraw his or her accumulated
27 contributions in accordance with subsection (a) of this
28 section, or to choose not to withdraw his or her
29 accumulated contribution and to receive retirement
30 income payments upon attaining early or normal
31 retirement age.


1 Any member who after the effective date of this article
2 and during covered employment: (A) Has been or
3 becomes either totally or partially disabled by injury,
4 illness or disease; and (B) the disability is a result of an
5 occupational risk or hazard inherent in or peculiar to the
6 services required of members; or (C) the disability was
7 incurred while performing law enforcement functions
8 during either scheduled work hours or at any other time;
9 and (D) in the opinion of the board, the member is by
10 reason of the disability unable to perform adequately the
11 duties required of a deputy sheriff, is entitled to receive
12 and shall be paid from the fund in monthly installments
13 during the lifetime of the member, or if sooner until the
14 member attains normal retirement age or until the
15 disability sooner terminates, the compensation under
16 either subdivision (a) or (b) of this subsection.

17 (a) If the member is totally disabled, the member shall
18 receive ninety percent of his or her average monthly
19 compensation for the twelve month period preceding the
20 member's disability, or the shorter period if the member
21 has not worked twelve months.

22 (b) If the member is partially disabled, the member
23 shall receive forty-five percent of his or her average
24 monthly compensation for the twelve-month period
25 preceding the member's disability, or the shorter period if
26 the member has not worked twelve months.
If the member remains totally disabled until attaining sixty-five years of age, the member shall then receive the retirement benefit provided for in sections eleven and twelve of this article.

If the member remains partially disabled until attaining sixty years of age the member shall then receive the retirement benefit provided for in sections eleven and twelve of this article.

§7-14D-15. Same — Due to other causes.

(a) Any member who after the effective date of this article and during covered employment: (1) Has been or becomes totally or partially disabled from any cause other than those set forth in section fourteen of this article and not due to vicious habits, intemperance or willful misconduct on his or her part; and (2) in the opinion of the board, he or she is by reason of the disability unable to perform adequately the duties required of a deputy sheriff, is entitled to receive and shall be paid from the fund in monthly installments during the lifetime of the member, or if sooner until the member attains normal retirement age or until the disability sooner terminates the compensation set forth in, either subsection (b) or (c) of this section.

(b) If the member is totally disabled, he or she shall receive sixty six and two thirds percent of his or her average monthly compensation for the twelve-month period preceding the disability, or the shorter period, if the member has not worked twelve months.

(c) If the member is partially disabled, he or she shall receive thirty three and one-third percent of his or her average monthly compensation for the twelve-month period preceding the disability, or the shorter period, if the member has not worked twelve months.

(d) If the member remains disabled until attaining sixty years of age, then the member shall receive the retirement benefit provided for in sections eleven and twelve of this article.
(e) The board shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code concerning member disability payments so as to ensure that the payments do not exceed one hundred percent of the average current salary in any given county for the position last held by the member.

§7-14D-16. Same — Physical examinations; termination of disability.

(a) The board may require any member who has applied for or is receiving disability benefits under this article to submit to a physical examination, mental examination or both, by a physician or physicians selected or approved by the board and may cause all costs incident to the examination and approved by the Board to be paid from the fund. The costs may include hospital, laboratory, X-ray, medical and physicians' fees. A report of the findings of any physician shall be submitted in writing to the board for its consideration. If, from the report, independent information, or from the report and any hearing on the report, the board is of the opinion and finds that: (1) The member has become reemployed as a law-enforcement officer; (2) two physicians who have examined the member have found that considering the opportunities for law enforcement in West Virginia, the member could be so employed as a deputy sheriff; or (3) other facts exist to demonstrate that the member is no longer totally disabled or partially disabled as the case may be, then the disability benefits shall cease. If the member was totally disabled and is found to have recovered, the board shall determine whether the member continues to be partially disabled. If the board finds that the member is no longer totally disabled but is partially disabled, then the member shall continue to receive partial disability benefits in accordance with this article. Benefits shall cease once the member has been found to be no longer either totally or partially disabled: Provided, that the board shall require recertification for each partial or total disability at regular intervals as specified by the guidelines adopted by the public employees retirement system.
§7-14D-17. Prior disability.

Any deputy sheriff who became totally disabled as a result of illness or injury incurred in the line of duty prior to the effective date of this article may be a member of the plan at his or her election and is entitled to disability, death and retirement benefits under this article in lieu of any other disability, death or retirement benefits provided by the state or his or her county of employment:

Provided, That the deputy would have been eligible for disability under section fourteen of this article had that section been in effect at the time of the disability. The amounts of the benefits shall be determined as if the disability first commenced after the effective date of this article with monthly compensation equal to that average monthly compensation which the member was receiving in the plan year prior to the initial disability.

§7-14D-18. Awards and benefits to surviving spouse — When member dies in performance of duty, etc.

(a) The surviving spouse of any member who, after the effective date of this article while in covered employment, has died or dies, by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service required of members, while the member was or is engaged in the performance of his or her duties as a deputy sheriff, or the survivor spouse of a member who dies from any cause while receiving benefits pursuant to section fourteen of this article, is entitled to receive and shall be paid from the fund benefits as determined in subsection (b) of this section: To the surviving spouse annually, in equal monthly installments during his or her lifetime an amount equal to the greater of:

(i) Two thirds of the base salary received in the preceding twelve-month period by the deceased member;

or (ii) if the member dies after his or her early or normal retirement age, the monthly amount which the spouse would have received had the member retired the day before his or her death, elected a one hundred percent joint and survivor annuity with the spouse as the joint annuitant, and then died.
(b) Benefits for a surviving spouse received under this section, section twenty and section twenty-one of this article are in lieu of receipt of any other benefits under this article for the spouse or any other person or under the provisions of any other state retirement system based upon the member's covered employment.

§7-14D-19. Same — When member dies from nonservice-connected causes.

(a) In any case where a member who has been a member for at least ten years, while in covered employment after the effective date of this article, has died or dies from any cause other than those specified in section eighteen of this article and not due to vicious habits, intemperance or willful misconduct on his or her part, the fund shall pay annually in equal monthly installments to the surviving spouse during his or her lifetime, a sum equal to the greater of: (i) One half of the base salary received in the preceding twelve-month employment period by the deceased member; or (ii) if the member dies after his or her early or normal retirement age, the monthly amount which the spouse would have received had the member retired the day before his or her death, elected a one hundred percent joint and survivor annuity with the spouse as the joint annuitant, and then died. Where the member is receiving disability benefits under section fourteen of this article at the time of his or her death, the most recent monthly compensation determined under section seventeen of this article shall be substituted for the base salary in (i) of this section.

(b) Benefits for a surviving spouse received under this section, section twenty and section twenty-one of this article are in lieu of receipt of any other benefits under this article for the spouse or any other person or under the provisions of any other state retirement system based upon the member's covered employment.

§7-14D-20. Additional death benefits and scholarships — Dependent children.

(a) In addition to the spouse death benefits in sections eighteen and nineteen of this article, the surviving spouse
is entitled to receive and there shall be paid to the spouse one hundred dollars monthly for each dependent child.

(b) If the surviving spouse dies or if there is no surviving spouse, the fund shall pay monthly to each dependent child a sum equal to one fourth of the surviving spouse’s entitlement under either section nineteen or twenty of this article. If there is neither a surviving spouse nor a dependent child, the fund shall pay in equal monthly installments to the dependent parents of the deceased member during their joint lifetimes a sum equal to the amount which a surviving spouse, without children, would have received: Provided, That when there is only one dependent parent surviving, that parent is entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive.

(c) Any person qualifying as a dependent child under this, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding six thousand dollars per year, shall be paid from the fund to any university or college in this state or to any trade or vocational school or other entity in this state approved by the board, to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of these institutions so long as the recipient makes application to the board on an approved form and under such rules as the board may provide, and maintains scholastic eligibility as defined by the institution or the board. The Board may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code which define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.


Any member who dies as a result of any service related illness or injury after the effective date is entitled to
a lump sum burial benefit of five thousand dollars. If the
member is married, the burial benefit will be paid to the
member’s spouse. If the member is not married, the
burial benefit will be paid to the member’s estate for the
purposes of paying burial expenses, settling the member’s
final affairs, or both. Any unspent balance shall be
distributed as a part of the member’s estate. If the
member is not entitled to a death benefit under sections
nineteen and twenty of this article, then if greater, the
amount payable to the member’s estate shall be his or her
accumulated contributions.

§7-14D-22. Double death benefits prohibited.

A surviving spouse is not entitled to receive
simultaneous death benefits under this article as a result of
the death of two or more members to whom the spouse
was married. Any spouse who becomes eligible for a
subsequent death benefit under this article while receiving
a death benefit under this article shall receive the higher
benefit, but not both.

§7-14D-23. Loans to members.

(a) A member who is not yet receiving disability or
retirement income benefits from the plan may borrow
from the plan an amount up to one half of his or her
accumulated contributions, but not less than five hundred
dollars nor more than eight thousand dollars. No loan
may be made from the plan if the board determines that
the loans constitute more than fifteen percent of the
amortized cost value of the assets of the plan as of the last
day of the preceding plan year. The board may
discontinue the loans any time it determines that cash flow
problems might develop as a result of the loans. Each
loan shall be repaid through monthly installments over
periods of six through sixty months and carry interest on
the unpaid balance and an annual effective interest rate
that is two hundred basis points higher than the most
recent rate of interest used by the board for determining
actuarial contributions levels. Monthly loan payments
shall be calculated to be as nearly equal as possible with all
but the final payment being an equal amount. An eligible
member may make additional loan payments or pay off
the entire loan balance at any time without incurring any
interest penalty. At the member’s option, the monthly
loan payment may include a level premium sufficient to
provide declining term insurance with the plan as
beneficiary to repay the loan in full upon the member’s
death. If a member declines the insurance and dies before
the loan is repaid, the unpaid balance of the loan shall be
deducted from the lump sum insurance benefit payable
under section twenty-one of this article.

(b) A member with an unpaid loan balance who wishes
to retire may have the loan repaid in full by accepting
retirement income payments reduced by deducting from
the actuarial reserve for the accrued benefit the amount of
the unpaid balance and then converting the remaining of
the reserve to a monthly pension payable in the form of
the annuity desired by the member.

§7-14D-24. Service as sheriff.

Any member who after the effective date of this article
is elected sheriff of a county in West Virginia may elect to
continue as a member in this plan by paying the amounts
required by section seven of this article. Upon the
election, service as a sheriff shall be treated as covered
employment and the sheriff is not entitled to any credit
for that service under any other retirement system of the
state.

§7-14D-25. Exemption from taxation, garnishment and other
process.

The moneys in the fund and the right of a member,
spouse or other beneficiary to benefits under this article,
to the return of contributions, or to any retirement, death
or disability payments under the provisions of this article,
are exempt from any state or municipal tax; are not
subject to execution, garnishment, attachment or any other
process whatsoever with the exception that the benefits are
subject to a qualified domestic relations order as that term
is defined in section 414 (p) of the Internal Revenue
Code; and are unassignable except as is provided in this
article.
§7-14D-26. Fraud; penalties; and repayment.

1 Any person who knowingly makes any false statement
2 or who falsifies or permits to be falsified any record of the
3 retirement system in any attempt to defraud that system is
4 guilty of a misdemeanor and, upon conviction, shall be
5 punished by a fine not to exceed one thousand dollars, by
6 confinement in the county or regional jail not to exceed
7 one year, or by both a fine and confinement. Any
8 increased benefit received by any person as a result of the
9 falsification or fraud shall be returned to the fund upon
10 demand by the board.

§7-14D-27. Credit toward retirement for member’s prior
military service; credit toward retirement
when member has joined armed forces in time
of armed conflict.

1 (a) Any member who has previously served on active
2 military duty is entitled to receive additional years of
3 service for the purpose of determining his or her years of
4 credited service for a period equal to the active military
5 duty not to exceed five years, subject to the following:

6 (1) That he or she has been honorably discharged
7 from the armed forces;

8 (2) That he or she substantiates by appropriate
9 documentation or evidence his or her period of active
10 military duty; and

11 (3) That he or she is receiving no benefits from any
12 other retirement system for his or her active military duty.

13 (b) In addition, any member who while in covered
14 employment was commissioned, enlisted or inducted into
15 the armed forces of the United States or, being a member
16 of the reserve officers’ corps, was called to active duty in
17 the armed forces between the first day of September, one
18 thousand nine hundred forty, and the close of hostilities in
19 World War II, or between the twenty-seventh day of June,
20 one thousand nine hundred fifty, and the close of the
21 armed conflict in Korea on the twenty-seventh day of July,
22 one thousand nine hundred fifty-three, between the first
23 day of August, one thousand nine hundred sixty-four and
the close of the armed conflict in Vietnam, or during any
other period of armed conflict by the United States
whether sanctioned by a declaration of war by the
Congress or by executive or other order of the president,
is entitled to and shall receive credited service, for a period
equal to the full time that he or she has or, pursuant to that
commission, enlistment, induction or call, shall have served
with the armed forces subject to the following:

(1) That he or she has been honorably discharged
from the armed forces;

(2) That within ninety days after honorable discharge
from the armed forces, he or she presented himself or
herself to the county commission and offered to resume
service as a deputy sheriff; and

(3) That he or she has made no voluntary act, whether
by reenlistment, waiver of discharge, acceptance of
commission or otherwise, to extend or participate in
extension of the period of service with the armed forces
beyond the period of service for which he or she was
originally commissioned, enlisted, inducted or called.

(c) The total amount of service allowable under
subsections (a) and (b) of this section may not exceed five
years.

(d) Any service credit allowed under this section may
be credited one time only for each deputy sheriff,
regardless of any changes in job title or responsibilities.


Any provision in this article to the contrary
notwithstanding, if at the end of any fiscal year the total of
the annuities paid from the retirement fund during the
said fiscal year is more than ten percent of the sum of the
balances in the fund at the end of the said fiscal year, the
said annuities payable in the next ensuing fiscal year shall
be reduced, pro rata, so that the sum of the annuities so
reduced shall not exceed ten percent of the sum of the
said balances in the fund. The said pro rata reduction
shall be applied to all annuities payable in the said ensuing
fiscal year.
§7-14D-29. Effective date; report to joint committee on government and finance; special starting date for benefits.

(a) The provisions of this article become effective the first day of July, one thousand nine hundred ninety-eight: Provided, That no payout of any benefits may be made to any person prior to the first day of January, two thousand: Provided however, That members who retired due to a disability may begin receiving the benefits at the rate and in the amount specified in either section fourteen or section fifteen of this article, as the case may be, from this fund after the thirtieth day of June, one thousand nine hundred ninety-nine: Provided further, That until the thirtieth day of June, one thousand nine hundred ninety-nine, those members who retired due to a disability may draw benefits from this fund at the rate and in the amount set forth in section twenty-five, article ten, chapter five of this code.

(b) During the eighteen-month period before the payout of benefits begins, the joint committee on government and finance shall cause an interim study or studies to be conducted on potential effects of the implementation of this retirement system, including, but not limited to, potential funding mechanisms to provide health insurance coverage for retirees in the fifty to fifty-five age group.

§7-14D-30. Limitation of county liability.

No county which has timely met all of its obligations under this article is liable for any payments or contributions to the deputy sheriff retirement plan which are owed to the plan by another county or counties. No county commission may deposit funds into the deputy sheriff retirement fund in excess of the amount specified in section seven of this article, the fees set forth in article fourteen-e of this chapter and the fees set forth in section seventeen, article three, chapter seventeen-a of this code.

ARTICLE 14E. ESTABLISHMENT OF CERTAIN FEES; DEDICATION OF FEE TO DEPUTY SHERIFF RETIREMENT SYSTEM.
§7-14E-1. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that the preservation of peace is a necessary and important function and a requirement for an orderly society. This important function is carried on throughout the State of West Virginia at both the state and local level. A very important component of law enforcement in this State are the county sheriffs and their deputies.

(b) The Legislature, cognizant that it has enacted retirement legislation for municipal police officers and for the state police, declares that deputy sheriffs are now in need of a retirement system. The Legislature further declares that the deputy sheriffs of this state are professional law enforcement officers who keep the peace, help and protect the citizens of this state. The Legislature finds that, when it comes to retirement, the deputy sheriffs are treated differently than other law enforcement officers in this state.

(c) For the foregoing reasons, and for other important reasons, the Legislature created the deputy sheriffs retirement system under article fourteen-d of this chapter. The fees established in this article are to help ensure the actuarial soundness of the deputy sheriff retirement system.

§7-14E-2. Statewide uniform fees for reports generated by Sheriff’s offices; dedication of fees.

(a) Effective the first day of July, one thousand nine hundred ninety-eight, the county commission of each county in this state shall set a fee for obtaining certain reports. This fee shall be set at a minimum of ten dollars for each report, with a maximum of twenty dollars for each report. Ten dollars of the charge for each report shall be deposited into the deputy sheriff retirement fund created in section six, article fourteen-d, chapter seven of this code. The reports for which a charge may be made are traffic accident reports, criminal investigation reports, incident reports and property reports.
(b) Effective the first day of July, one thousand nine hundred ninety-eight, all sheriff offices in this state shall collect a fee of five dollars for performing the following services: adult private employment fingerprinting; fingerprinting for federal firearm permits; motor vehicle number identification; adult identification card and photo-identification card. Upon collection, these fees shall be deposited into the deputy sheriff retirement fund created in section six, article fourteen-d, of this chapter.

(c) Effective the first day of July, one thousand nine hundred ninety-eight, all sheriff offices in this state shall collect a fee of five dollars for each non-governmental background investigation report. Upon collection, these fees shall be deposited into the deputy sheriff retirement fund created in section six, article fourteen-d, chapter seven of this code.

(d) No charge may be made under this section for any report or reports made to governmental agencies.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-17. Application for and renewal of registration; sheriffs authorized to issue renewals of registration for certain vehicles.

(a) Application for renewal of a vehicle registration shall be made by the vehicle owner by proper application and payment of taxes and registration fees provided by law.

(b) The division may receive applications for renewal of any vehicle registration and each sheriff shall receive applications from residents in his or her county for renewal of any Class A or G vehicle registration: The division and each sheriff shall issue the renewals of registration each receives, respectively, in accordance with all of the provisions in this article pertaining to renewal of
vehicle registration including, but not limited to, the payment of the taxes and fees required thereunder.

(c) Each sheriff shall charge a service fee of one dollar for each renewal of a Class A or G vehicle registration he or she issues. Effective the first day of July, one thousand nine hundred ninety-eight the sheriff shall pay one-half of this fee into the county general fund. The sheriff shall pay the remaining one-half of this fee into the deputy sheriff retirement fund created in section six, article fourteen-d, chapter seven of this code.

(d) On the first day of each month, each sheriff shall pay over to the commissioner all fees he or her collected during the preceding month for renewal of Class A and G vehicle registrations, except his or her service fees. The payment shall be accompanied by a report showing the name of the county, the name and address of the person who obtained the registration and paid the registration fee therefor, the vehicle registered, the registration number, the date the registration was issued, the signature of the sheriff and any other information the commissioner may reasonably require in order to maintain the functions and records of the department. The commissioner shall deposit all fees he or she receives from the sheriffs for renewal of Class A and G vehicle registrations in the state treasury to the credit of the state road fund as provided in section twenty-one, article two of this chapter.

(e) The commissioner shall provide each sheriff with the necessary forms, supplies, registration plates, registration decals and instructions necessary to enable him or her to perform the duties and functions specified in this section.

(f) No person may display upon a vehicle a new registration plate or registration decal prior to the first day of the month preceding the new registration period.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 24th day of April, 1998.

Governor