WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007

ENROLLED

House Bill No. 2130

(By Delegate Swartzmiller)

Passed March 10, 2007

In Effect Ninety Days from Passage
(BY DELEGATE SWARTZMILLER)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating to eliminating any reduction in the benefit of a deputy sheriff who is totally disabled on the job.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 14D. CIVIL SERVICE FOR DEPUTY SHERIFFS.


Any member who after the effective date of this article and during covered employment: (A) Has been or becomes either totally or partially disabled by injury, illness or disease; and (B) the disability is a result of an occupational risk or hazard inherent in or peculiar to the services required of members; or (C) the disability was incurred while performing law-enforcement functions during either scheduled work hours or at any other time; and (D) in the opinion of the board, the member 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 under either subdivision (a) or (b) of this section.

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

(b) If the member is partially disabled, the member shall receive forty-five percent of his or her average full monthly compensation for the twelve-month contributory period preceding the member’s disability award, or the shorter period if the member has not worked twelve months.

If the member remains partially disabled until attaining sixty years of age, the member shall then receive the retirement benefit provided in sections eleven and twelve of this article.
That Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 is approved this the 23rd
day of March, 2007.

Governor