

SB 706

FILED

2009 MAY -7 PM 7:19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 706

(SENATORS UNGER, JENKINS, GREEN, STOLLINGS,
FOSTER, PREZIOSO, PLYMALE, KESSLER,
WILLIAMS AND McCABE, *original sponsors*)

[Passed April 11, 2009; to take effect July 1, 2009.]

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MCCABE, *original sponsors*)

[Passed April 11, 2009; to take effect July 1, 2009.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-53, relating to the establishment of a leave donation program for the largest statewide professional law-enforcement association representing members of the West Virginia State Police.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §15-2-53, to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-53. State law-enforcement association members annual leave program.

1 (a) Notwithstanding any provision of this code to the
2 contrary, members of the largest statewide professional
3 law-enforcement association representing members of the
4 West Virginia State Police may donate annual leave time
5 to the president of the association. The president may
6 designate the vice president of the association or the
7 chairman of the association's board of directors to act on
8 his or her behalf. The West Virginia State Police will
9 calculate the dollar value of the donated leave based on
10 the hourly rate of the donor multiplied by the number of
11 hours of annual leave to be donated and the donee will use
12 the annual leave at the present dollar value of the donee's
13 hourly rate. The donated annual leave may be used by the
14 president or designee in the performance of his or her
15 duties including: (1) Assistance to members; and (2) the
16 legislative session and legislative meetings.

17 (b) When the president of the association or his or her
18 designee uses the donated annual leave he or she is
19 considered on personal annual leave of absence with pay
20 just as if he or she used his or her annual leave. While the
21 president of the association or his or her designee are
22 using donated annual leave, all payroll deductions and
23 employee status are maintained as if he or she had used his
24 or her regularly accrued annual leave. All donated leave
25 that is not used by July 1 of every year will be forfeited to
26 the state and no unused donated leave may be used to add
27 to the president's or his or her designee's retirement.

28 (c) No member of the association shall be considered
29 absent from service as a member of the West Virginia
30 State Police while serving as president of the association,
31 or as his or her designee in that capacity: *Provided*, That
32 the period of service credit granted for that service shall
33 not exceed ten years: *Provided, however*, That a member
34 of the West Virginia State Police Retirement System who
35 is serving or has served as president of the association, or
36 as his or her designee, shall make deposits to the West

37 Virginia State Police Retirement Fund, for the time of any
38 absence, in an amount equal to the sum of the amount
39 which both the employer and the employee would have
40 contributed in his or her regular assignment for a like
41 period of time: *Provided further*, That if the president of
42 the association, or his or her designee, is a member of the
43 West Virginia State Police Death, Disability and Retirement
44 Fund, he or she may not receive service credit for
45 time spent serving as president or the president's designee.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate. *r.k. DEH*
July 1, 2009.
In effect ~~ninety days from passage~~

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is appended* this the *7th*
Day of *May*, 2009.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 1 2009

Time 2:50 pm