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OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2766**

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



Passed March 8, 2011

In Effect From Passage

HB 2766

FILE

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SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

H. B. 2766

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

[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

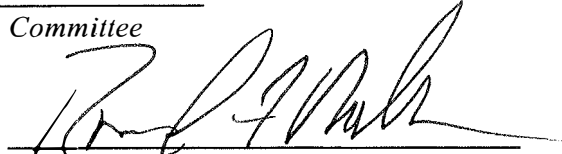
36 year preceding July 1, 2011, the total of the contributions
37 provided in this section, to be paid by the concurrent
38 employer, may not exceed ten and one-half percent of the
39 monthly salary of the employee; *Provided, however*, That on
40 or after July 1, 2011, the total of the contributions 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.



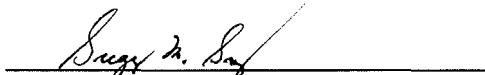
Chairman, House Committee




Chairman, Senate Committee

Originating in the House.

To take effect from passage.



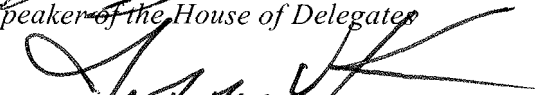
Clerk of the House of Delegates



Clerk of the Senate

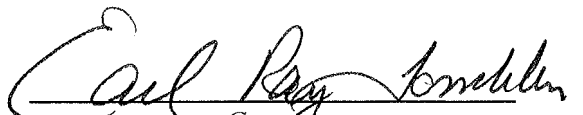


Speaker of the House of Delegates



Acting President of the Senate

The within is approved this the 17th
day of March 2011.



Governor

PRESENTED TO THE GOVERNOR

MAR 15 2011

Time 2:15 pm