WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2766

(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.
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(a) 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 amount shall be paid to the fund by the county commission of the county in which the member is employed in covered employment in an amount determined by the board: Provided, That in any year preceding July 1, 2011, the total of the contributions provided in this section, to be paid by the county commission, may not exceed ten and one-half percent of the total payroll for the members in the employ of the county commission; Provided, however, That on or after July 1, 2011, the total of the contributions provided in this section, to be paid by the county commission, may not exceed thirteen percent of the total payroll for the members in the employ of the county commission. 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 or employer contributions or both. The sums withheld each calendar month shall be paid to the fund no later than fifteen days following the end of the calendar month.

(b) Any active member who has concurrent employment in an additional job or jobs and the additional employment requires the deputy sheriff to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to article ten-d, chapter five of this code shall make an additional contribution to the fund of eight and one-half percent of his or her monthly salary earned from any additional employment which requires the deputy sheriff to be a member of another retirement which is administered by the Consolidated Public Retirement Board pursuant to article ten-d, chapter five of this code. An additional amount shall be paid to the fund by the concurrent employer for which the member is employed 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; \textit{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 was approved this the 17th day of March 2011.

Governor
PRESENTED TO THE GOVERNOR

MARCH 15, 2011

Time: 3:15 pm