

# WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

**House Bill 2900**

BY DELEGATE HANSHAW (MR. SPEAKER), HOTT,  
PHILLIPS, HECKERT, RILEY, ROHRBACH AND PINSON  
[Passed March 11, 2023; in effect from passage.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 29 P 5:16

FILED

HB 2900

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1 AN ACT to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended,  
2 relating to the Deputy Sheriff Retirement System; allowing certain retired members to be  
3 re-employed without the suspension of annuity benefits; setting forth conditions for the re-  
4 employment of retired members; and providing a sunset date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.**

**§7-14D-24a. Return to covered employment by retired member.**

1 (a) The annuity of any member who retires under the provisions of this article and who  
2 resumes service in covered employment shall be suspended while the member continues in  
3 covered employment. The monthly annuity payment for the month in which the service resumes  
4 shall be prorated to the date of commencement of service, and the member shall again become  
5 a contributing member during resumption of service. At the conclusion of resumed service in  
6 covered employment the member shall have his or her annuity recalculated to take into account  
7 the entirety of service in covered employment.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the annuity of a  
9 member who retires under the provisions of this article shall not be suspended if the member  
10 resumes covered employment and the following conditions are met:

11 (1) The member has been retired for at least 180 days;

12 (2) The retired member did not retire as a result of a disability pursuant to the provisions  
13 of §7-14D-14 of this code;

14 (3) The retired member is a certified, or certifiable, law-enforcement officer as provided in  
15 §30-29-5 of this code;

16 (4) The sheriff of the county seeking to re-employ the retired member has fewer than five  
17 deputies in his or her employ and has been unable to recruit additional qualified deputy sheriffs  
18 despite the exercise of due diligence;

19 (5) The re-employment of the retired member is for a period not to exceed five years or  
20 until such time as the sheriff may recruit additional deputy sheriffs to provide for five full-time  
21 deputy sheriffs not hired pursuant to this subsection, whichever is sooner; and the sheriff is  
22 required to post the vacancy until it is filled by a non-retirant;

23 (6) The retired member may not again become a contributing member of the Deputy  
24 Sheriff Retirement System while performing services under the provisions of this subsection; and

25 (7) The employer of any deputy sheriff rehired pursuant to this subsection shall remit an  
26 employer contribution pursuant to §7-14D-7 of this code on the deputy sheriff's monthly salary.

27 (c) Any retired member who is seeking re-employment pursuant to the provisions of this  
28 section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.

29 (d) Unless acted upon by the Legislature, the provisions of subsections (b) and (c) of this  
30 section will sunset on July 1, 2026. On or before October 1, 2025, any employer of a member of  
31 the Deputy Sheriff Retirement System rehired pursuant to subsection (b) of this section must  
32 make a report to the Joint Standing Committee on Pensions and Retirement.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

*Steve Harrison*

.....  
Clerk of the House of Delegates

*Debra*

.....  
Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

**FILED**  
2023 MAR 29 P 5:17  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

*Ray Henshaw*

.....  
Speaker of the House of Delegates

*G. P. B.*

.....  
President of the Senate

The within is Approved this the 29<sup>th</sup>  
Day of March ..... 2023.

*James Perdue*

.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2023

Time 11:49am