

1 **Senate Bill No. 406**

2 (By Senators Jenkins, McCabe and Cann )

3

4 [Introduced March 1, 2013; referred to the Committee on Pensions;  
5 and then to the Committee on Finance.]

6

7

**FISCAL  
NOTE**

8

9

10 A BILL to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16  
11 and §7-14D-19 of the Code of West Virginia, 1931, as amended;  
12 and to amend said code by adding thereto a new section,  
13 designated §7-14D-7a, all relating to the Deputy Sheriff  
14 Retirement System Act; modifying the definition of "member" in  
15 said article; adding a definition for the terms "retire" and  
16 "retirement" to said article; correction of errors; clarifying  
17 that an estimation of benefits is provided prior to the  
18 submission of a retirement application from a member; and  
19 making technical corrections.

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

21 That §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of  
22 the Code of West Virginia, 1931, as amended, be amended and  
23 reenacted; and that said code be amended by adding thereto a new

1 section, designated §7-14D-7a, all to read as follows:

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

3 **§7-14D-2. Definitions.**

4 As used in this article, unless a federal law or regulation or  
5 the context clearly requires a different meaning:

6 (a) "Accrued benefit" means on behalf of any member two and  
7 one-quarter percent of the member's final average salary multiplied  
8 by the member's years of credited service. A member's accrued  
9 benefit may not exceed the limits of Section 415 of the Internal  
10 Revenue Code and is subject to the provisions of section nine-a of  
11 this article.

12 (b) "Accumulated contributions" means the sum of all amounts  
13 deducted from the compensation of a member, or paid on his or her  
14 behalf pursuant to article ten-c, chapter five of this code, either  
15 pursuant to section seven of this article or section twenty-nine,  
16 article ten, chapter five of this code as a result of covered  
17 employment together with regular interest on the deducted amounts.

18 (c) "Active member" means a member who is active and  
19 contributing to the plan.

20 (d) "Active military duty" means full-time active duty with  
21 any branch of the armed forces of the United States, including  
22 service with the National Guard or reserve military forces when the  
23 member has been called to active full-time duty and has received no

1 compensation during the period of that duty from any board or  
2 employer other than the armed forces.

3 (e) "Actuarial equivalent" means a benefit of equal value  
4 computed upon the basis of the mortality table and interest rates  
5 as set and adopted by the retirement board in accordance with the  
6 provisions of this article: Provided, That when used in the context  
7 of compliance with the federal maximum benefit requirements of  
8 Section 415 of the Internal Revenue Code, "actuarial equivalent"  
9 shall be computed using the mortality tables and interest rates  
10 required to comply with those requirements.

11 (f) "Annual compensation" means the wages paid to the member  
12 during covered employment within the meaning of Section 3401(a) of  
13 the Internal Revenue Code, but determined without regard to any  
14 rules that limit the remuneration included in wages based upon the  
15 nature or location of employment or services performed during the  
16 plan year plus amounts excluded under Section 414(h)(2) of the  
17 Internal Revenue Code and less reimbursements or other expense  
18 allowances, cash or noncash fringe benefits or both, deferred  
19 compensation and welfare benefits. Annual compensation for  
20 determining benefits during any determination period may not exceed  
21 the maximum compensation allowed as adjusted for cost of living in  
22 accordance with section seven, article ten-d, chapter five of this  
23 code and Section 401(a)(17) of the Internal Revenue Code.

1 (g) "Annual leave service" means accrued annual leave.

2 (h) "Annuity starting date" means the first day of the first  
3 calendar month following receipt of the retirement application by  
4 the board or the required beginning date, if earlier: *Provided*,  
5 That the member has ceased covered employment and reached early or  
6 normal retirement age.

7 (i) "Base salary" means a member's cash compensation exclusive  
8 of overtime from covered employment during the last twelve months  
9 of employment. Until a member has worked twelve months, annualized  
10 base salary is used as base salary.

11 (j) "Board" means the Consolidated Public Retirement Board  
12 created pursuant to article ten-d, chapter five of this code.

13 (k) "County commission" has the meaning ascribed to it in  
14 section one, article one, chapter seven of this code.

15 (l) "Covered employment" means either: (1) Employment as a  
16 deputy sheriff and the active performance of the duties required of  
17 a deputy sheriff; or (2) the period of time which active duties are  
18 not performed but disability benefits are received under section  
19 fourteen or fifteen of this article; or (3) concurrent employment  
20 by a deputy sheriff in a job or jobs in addition to his or her  
21 employment as a deputy sheriff where the secondary employment  
22 requires the deputy sheriff to be a member of another retirement  
23 system which is administered by the Consolidated Public Retirement

1 Board pursuant to article ten-d, chapter five of this code:  
2 Provided, That the deputy sheriff contributes to the fund created  
3 in section six of this article the amount specified as the deputy  
4 sheriff's contribution in section seven of this article.

5 (m) "Credited service" means the sum of a member's years of  
6 service, active military duty, disability service and annual leave  
7 service.

8 (n) "Deputy sheriff" means an individual employed as a county  
9 law-enforcement deputy sheriff in this state and as defined by  
10 section two, article fourteen of this chapter.

11 (o) "Dependent child" means either:

12 (1) An unmarried person under age eighteen who is:

13 (A) A natural child of the member;

14 (B) A legally adopted child of the member;

15 (C) A child who at the time of the member's death was living  
16 with the member while the member was an adopting parent during any  
17 period of probation; or

18 (D) A stepchild of the member residing in the member's  
19 household at the time of the member's death; or

20 (2) Any unmarried child under age twenty-three:

21 (A) Who is enrolled as a full-time student in an accredited  
22 college or university;

23 (B) Who was claimed as a dependent by the member for federal

1 income tax purposes at the time of the member's death; and

2 (C) Whose relationship with the member is described in  
3 subparagraph (A), (B) or (C), paragraph (1) of this subdivision.

4 (p) "Dependent parent" means the father or mother of the  
5 member who was claimed as a dependent by the member for federal  
6 income tax purposes at the time of the member's death.

7 (q) "Disability service" means service credit received by a  
8 member, expressed in whole years, fractions thereof or both, equal  
9 to one half of the whole years, fractions thereof or both, during  
10 which time a member receives disability benefits under section  
11 fourteen or fifteen of this article.

12 (r) "Early retirement age" means age forty or over and  
13 completion of twenty years of service.

14 (s) "Employer error" means an omission, misrepresentation, or  
15 violation of relevant provisions of the West Virginia Code or of  
16 the West Virginia Code of State Regulations or the relevant  
17 provisions of both the West Virginia Code and of the West Virginia  
18 Code of State Regulations by the participating public employer that  
19 has resulted in an underpayment or overpayment of contributions  
20 required. A deliberate act contrary to the provisions of this  
21 section by a participating public employer does not constitute  
22 employer error.

23 (t) "Effective date" means July 1, 1998.

1           (u) "Final average salary" means the average of the highest  
2 annual compensation received for covered employment by the member  
3 during any five consecutive plan years within the member's last ten  
4 years of service. If the member did not have annual compensation  
5 for the five full plan years preceding the member's attainment of  
6 normal retirement age and during that period the member received  
7 disability benefits under section fourteen or fifteen of this  
8 article then "final average salary" means the average of the  
9 monthly salary determined paid to the member during that period as  
10 determined under section seventeen of this article multiplied by  
11 twelve.

12           (v) "Fund" means the West Virginia Deputy Sheriff Retirement  
13 Fund created pursuant to section six of this article.

14           (w) "Hour of service" means:

15           (1) Each hour for which a member is paid or entitled to  
16 payment for covered employment during which time active duties are  
17 performed. These hours shall be credited to the member for the plan  
18 year in which the duties are performed; and

19           (2) Each hour for which a member is paid or entitled to  
20 payment for covered employment during a plan year but where no  
21 duties are performed due to vacation, holiday, illness, incapacity  
22 including disability, layoff, jury duty, military duty, leave of  
23 absence or any combination thereof and without regard to whether

1 the employment relationship has terminated. Hours under this  
2 paragraph shall be calculated and credited pursuant to West  
3 Virginia Division of Labor rules. A member will not be credited  
4 with any hours of service for any period of time he or she is  
5 receiving benefits under section fourteen or fifteen of this  
6 article; and

7       (3) Each hour for which back pay is either awarded or agreed  
8 to be paid by the employing county commission, irrespective of  
9 mitigation of damages. The same hours of service shall not be  
10 credited both under this paragraph and paragraph (1) or (2) of this  
11 subdivision. Hours under this paragraph shall be credited to the  
12 member for the plan year or years to which the award or agreement  
13 pertains rather than the plan year in which the award, agreement or  
14 payment is made.

15       (x) "Member" means a person first hired as a deputy sheriff  
16 after the effective date of this article, as defined in subsection  
17 ~~(r)~~ (t) of this section, or a deputy sheriff first hired prior to  
18 the effective date and who elects to become a member pursuant to  
19 section five or seventeen of this article. A member shall remain a  
20 member until the benefits to which he or she is entitled under this  
21 article are paid or forfeited or until cessation of membership  
22 pursuant to section five of this article.

23       (y) "Monthly salary" means the portion of a member's annual



1 compensation which is paid to him or her per month.

2 (z) "Normal form" means a monthly annuity which is one twelfth  
3 of the amount of the member's accrued benefit which is payable for  
4 the member's life. If the member dies before the sum of the  
5 payments he or she receives equals his or her accumulated  
6 contributions on the annuity starting date, the named beneficiary  
7 shall receive in one lump sum the difference between the  
8 accumulated contributions at the annuity starting date and the  
9 total of the retirement income payments made to the member.

10 (aa) "Normal retirement age" means the first to occur of the  
11 following: (1) Attainment of age fifty years and the completion of  
12 twenty or more years of service; (2) while still in covered  
13 employment, attainment of at least age fifty years and when the sum  
14 of current age plus years of service equals or exceeds seventy  
15 years; (3) while still in covered employment, attainment of at  
16 least age sixty years and completion of five years of service; or  
17 (4) attainment of age sixty-two years and completion of five or  
18 more years of service.

19 (bb) "Partially disabled" means a member's inability to engage  
20 in the duties of deputy sheriff by reason of any medically  
21 determinable physical or mental impairment that can be expected to  
22 result in death or that has lasted or can be expected to last for  
23 a continuous period of not less than twelve months. A member may be

1 determined partially disabled for the purposes of this article and  
2 maintain the ability to engage in other gainful employment which  
3 exists within the state but which ability would not enable him or  
4 her to earn an amount at least equal to two thirds of the average  
5 annual compensation earned by all active members of this plan  
6 during the plan year ending as of the most recent June 30, as of  
7 which plan data has been assembled and used for the actuarial  
8 valuation of the plan.

9 (cc) "Public Employees Retirement System" means the West  
10 Virginia Public Employees Retirement System created by article ten,  
11 chapter five of this code.

12 (dd) "Plan" means the West Virginia Deputy Sheriff Death,  
13 Disability and Retirement Plan established by this article.

14 (ee) "Plan year" means the twelve-month period commencing on  
15 July 1 of any designated year and ending the following June 30.

16 (ff) "Qualified public safety employee" means any employee of  
17 a participating state or political subdivision who provides police  
18 protection, fire-fighting services or emergency medical services  
19 for any area within the jurisdiction of the state or political  
20 subdivision, or such other meaning given to the term by Section  
21 72(t)(10)(B) of the Internal Revenue Code or by Treasury Regulation  
22 §1.401(a)-1(b)(2)(v) as they may be amended from time to time.

23 (gg) "Regular interest" means the rate or rates of interest

1 per annum, compounded annually, as the board adopts in accordance  
2 with the provisions of this article.

3 (hh) "Required beginning date" means April 1 of the calendar  
4 year following the later of: (i) The calendar year in which the  
5 member attains age seventy and one-half; or (ii) the calendar year  
6 in which he or she retires or otherwise separates from covered  
7 employment.

8 (ii) "Retire" or "retirement" means a member's withdrawal from  
9 the employ of a participating public employer and the commencement  
10 of an annuity by the plan.

11 ~~(ii)~~ (jj) "Retirement income payments" means the annual  
12 retirement income payments payable under the plan.

13 ~~(jj)~~ (kk) "Spouse" means the person to whom the member is  
14 legally married on the annuity starting date.

15 ~~(kk)~~ (ll) "Surviving spouse" means the person to whom the  
16 member was legally married at the time of the member's death and  
17 who survived the member.

18 ~~(ll)~~ (mm) "Totally disabled" means a member's inability to  
19 engage in substantial gainful activity by reason of any medically  
20 determined physical or mental impairment that can be expected to  
21 result in death or that has lasted or can be expected to last for  
22 a continuous period of not less than twelve months. For purposes of  
23 this subdivision:

1           (1) A member is totally disabled only if his or her physical  
 2 or mental impairment or impairments are so severe that he or she is  
 3 not only unable to perform his or her previous work as a deputy  
 4 sheriff but also cannot, considering his or her age, education and  
 5 work experience, engage in any other kind of substantial gainful  
 6 employment which exists in the state regardless of whether: (A) The  
 7 work exists in the immediate area in which the member lives; (B) a  
 8 specific job vacancy exists; or (C) the member would be hired if he  
 9 or she applied for work.

10           (2) "Physical or mental impairment" is an impairment that  
 11 results from an anatomical, physiological or psychological  
 12 abnormality that is demonstrated by medically accepted clinical and  
 13 laboratory diagnostic techniques. A member's receipt of Social  
 14 Security disability benefits creates a rebuttable presumption that  
 15 the member is totally disabled for purposes of this plan.  
 16 Substantial gainful employment rebuts the presumption of total  
 17 disability.

18           ~~(mm)~~ (nn) "Year of service". -- A member shall, except in his  
 19 or her first and last years of covered employment, be credited with  
 20 year of service credit based upon the hours of service performed as  
 21 covered employment and credited to the member during the plan year  
 22 based upon the following schedule:

23                   Hours of Service   Years of Service Credited

|                  |     |
|------------------|-----|
| 1 Less than 500  | 0   |
| 2 500 to 999     | 1/3 |
| 3 1,000 to 1,499 | 2/3 |
| 4 1,500 or more  | 1   |

5        During a member's first and last years of covered employment,  
6 the member shall be credited with one twelfth of a year of service  
7 for each month during the plan year in which the member is credited  
8 with an hour of service. A member is not entitled to credit for  
9 years of service for any time period during which he or she  
10 received disability payments under section fourteen or fifteen of  
11 this article. Except as specifically excluded, years of service  
12 include covered employment prior to the effective date. Years of  
13 service which are credited to a member prior to his or her receipt  
14 of accumulated contributions upon termination of employment  
15 pursuant to section thirteen of this article or section thirty,  
16 article ten, chapter five of this code, shall be disregarded for  
17 all purposes under this plan unless the member repays the  
18 accumulated contributions with interest pursuant to section  
19 thirteen of this article or had prior to the effective date made  
20 the repayment pursuant to section eighteen, article ten, chapter  
21 five of this code.

22 **§7-14D-7. Members' contributions; employer contributions.**

23        (a) There shall be deducted from the monthly salary of each

1 member and paid into the fund an amount equal to eight and one-half  
2 percent of his or her monthly salary. An additional amount shall be  
3 paid to the fund by the county commission of the county in which  
4 the member is employed in covered employment in an amount  
5 determined by the board: Provided, That in any year preceding July  
6 1, 2011, the total of the contributions provided in this section,  
7 to be paid by the county commission, may not exceed ten and one-  
8 half percent of the total payroll for the members in the employ of  
9 the county commission; Provided, however, That on or after July 1,  
10 2011, the total of the contributions provided in this section, to  
11 be paid by the county commission, may not exceed thirteen percent  
12 of the total payroll for the members in the employ of the county  
13 commission. If the board finds that the benefits provided by this  
14 article can be actually funded with a lesser contribution, then the  
15 board shall reduce the required member or employer contributions or  
16 both. The sums withheld each calendar month shall be paid to the  
17 fund no later than fifteen days following the end of the calendar  
18 month.

19 (b) Any active member who has concurrent employment in an  
20 additional job or jobs and the additional employment requires the  
21 deputy sheriff to be a member of another retirement system which is  
22 administered by the Consolidated Public Retirement Board pursuant  
23 to article ten-d, chapter five of this code shall make an

1 additional contribution to the fund of eight and one-half percent  
2 of his or her monthly salary earned from any additional employment  
3 which requires the deputy sheriff to be a member of another  
4 retirement which is administered by the Consolidated Public  
5 Retirement Board pursuant to article ten-d, chapter five of this  
6 code. An additional amount shall be paid to the fund by the  
7 concurrent employer for which the member is employed in an amount  
8 determined by the board: *Provided*, That in any year preceding July  
9 1, 2011, the total of the contributions provided in this section,  
10 to be paid by the concurrent employer, may not exceed ten and one-  
11 half percent of the monthly salary of the employee: *Provided*,  
12 however, That on or after July 1, 2011, the total of the  
13 contributions provided in this section, to be paid by the  
14 concurrent employer, may not exceed thirteen percent of the monthly  
15 salary of the employee. If the board finds that the benefits  
16 provided by this article can be funded with a lesser contribution,  
17 then the board shall reduce the required member or employer  
18 contributions or both. The sums withheld each calendar month shall  
19 be paid to the fund no later than fifteen days following the end of  
20 the calendar month.

21 ~~(c) If any change or employer error in the records of any~~  
22 ~~participating public employer or the retirement system results in~~  
23 ~~any member receiving from the system more or less than he or she~~

~~1 would have been entitled to receive had the records been correct,  
2 the board shall correct the error, and as far as is practicable  
3 shall adjust the payment of the benefit in a manner that the  
4 actuarial equivalent of the benefit to which the member was  
5 correctly entitled shall be paid. Any employer error resulting in  
6 an underpayment to the retirement system may be corrected by the  
7 member remitting the required employee contribution and the  
8 participating public employer remitting the required employer  
9 contribution. Interest shall accumulate in accordance with the  
10 retirement board reinstatement interest as established in  
11 Legislative Rule 162 CSR 7 and any accumulating interest owed on  
12 the employee and employer contributions resulting from the employer  
13 error shall be the responsibility of the participating public  
14 employer. The participating public employer may remit total payment  
15 and the employee reimburse the participating public employer  
16 through payroll deduction over a period equivalent to the time  
17 period during which the employer error occurred.~~

**18 §7-14D-7a. Correction of errors; underpayments; overpayments.**

19 (a) General rule: If any change or employer error in the  
20 records of any participating public employer or the plan results in  
21 any member, retirant or beneficiary receiving from the plan more or  
22 less than he or she would have been entitled to receive had the  
23 records been correct, the board shall correct the error. If



1 correction of the error occurs after the effective retirement date  
2 of a retirant, and as far as is practicable, the board shall adjust  
3 the payment of the benefit in a manner that the actuarial  
4 equivalent of the benefit to which the retirant was correctly  
5 entitled shall be paid.

6 (b) Underpayments: Any error resulting in an underpayment to  
7 the retirement system of required contributions may be corrected by  
8 the member or retirant remitting the required employee contribution  
9 and the participating public employer remitting the required  
10 employer contribution. Interest shall accumulate in accordance with  
11 the Legislative Rule 162 CSR 7 concerning retirement board refund,  
12 reinstatement, retroactive service, loan and employer error  
13 interest factors and any accumulating interest owed on the employee  
14 and employer contributions resulting from an employer error shall  
15 be the responsibility of the participating public employer. The  
16 participating public employer may remit total payment and the  
17 employee reimburse the participating public employer through  
18 payroll deduction over a period equivalent to the time period  
19 during which the employer error occurred. If the correction of an  
20 error involving an underpayment of required contributions to the  
21 retirement system will result in increased payments to a retirant,  
22 including increases to payments already made, any adjustments shall  
23 be made only after the board receives full payment of all required

1 employee and employer contributions, including interest.

2 (c) Overpayments: (1) When mistaken or excess employer  
3 contributions, including any overpayments, have been made to the  
4 retirement system by a participating public employer, due to error  
5 or other reason, the board shall credit the participating public  
6 employer with an amount equal to the erroneous contributions, to be  
7 offset against the participating public employer's future liability  
8 for employer contributions to the system. Earnings or interest  
9 shall not be credited to the employer.

10 (2) When mistaken or excess employee contributions, including  
11 any overpayments, have been made to the retirement system, due to  
12 error or other reason, the board shall have sole authority for  
13 determining the means of return, offset or credit to or for the  
14 benefit of the employee of the amounts, and may use any means  
15 authorized or permitted under the provisions of Section 401(a), et  
16 seq. of the Internal Revenue Code and guidance issued thereunder  
17 applicable to governmental plans. Alternatively, in its full and  
18 complete discretion, the board may require the participating public  
19 employer to pay the employee the amounts as wages, with the board  
20 crediting the participating public employer with a corresponding  
21 amount to offset against its future contributions to the plan:  
22 *Provided*, That the wages paid to the employee shall not be  
23 considered compensation for any purposes under this article.

1 Earnings or interest shall not be returned, offset, or credited  
2 under any of the means utilized by the board for returning mistaken  
3 or excess employee contributions, including any overpayments, to an  
4 employee.

5 **§7-14D-9. Retirement; commencement of benefits.**

6 A member may retire and commence to receive retirement income  
7 payments on the first day of the calendar month following the  
8 board's receipt of the member's voluntary written application for  
9 retirement or the required beginning date, if earlier. Before  
10 receiving retirement income payments, the member shall have ceased  
11 covered employment and reached early or normal retirement age. The  
12 retirement income payments shall be in an amount as provided under  
13 section eleven of this article: *Provided*, That retirement income  
14 payments under this plan shall be subject to the provisions of this  
15 article. Upon receipt of ~~the application~~ a request for estimation  
16 of benefits, the board shall promptly provide the member with an  
17 explanation of his or her optional forms of retirement benefits and  
18 upon the estimated gross monthly annuity. Upon receipt of properly  
19 executed retirement application forms from the member, the board  
20 shall process the member's request and commence payments as soon as  
21 administratively feasible.

22 **§7-14D-16. Awards and benefits for disability -- Physical**  
23 **examinations; termination of disability.**

1           (a) The board may require any member who has applied for or is  
2 receiving disability benefits under this article to submit to a  
3 physical examination, mental examination or both, by a physician or  
4 physicians selected or approved by the board and may cause all  
5 costs incident to the examination and approved by the board to be  
6 paid from the fund. The costs may include hospital, laboratory, X  
7 ray, medical and physicians' fees. A report of the findings of any  
8 physician shall be submitted in writing to the board for its  
9 consideration. If, from the report, independent information, or  
10 from the report and any hearing on the report, the board is of the  
11 opinion and finds that: (1) The member has become reemployed as a  
12 law-enforcement officer; (2) two physicians who have examined the  
13 member have found that considering the opportunities for law  
14 enforcement in West Virginia, the member could be so employed as a  
15 deputy sheriff; or (3) other facts exist to demonstrate that the  
16 member is no longer totally disabled or partially disabled as the  
17 case may be, then the disability benefits shall cease. If the  
18 member was totally disabled and is found to have recovered, the  
19 board shall determine whether the member continues to be partially  
20 disabled. If the board finds that the member is no longer totally  
21 disabled but is partially disabled, then the member shall continue  
22 to receive partial disability benefits in accordance with this  
23 article. Benefits shall cease once the member has been found to be

1 no longer either totally or partially disabled: *Provided*, That the  
2 board shall require recertification for each partial or total  
3 disability at regular intervals as specified by the guidelines  
4 adopted by the ~~Public Employees~~ Deputy Sheriff Retirement System.

5 (b) If a retirant refuses to submit to a medical examination  
6 or submit a statement by his or her physician certifying continued  
7 disability in any period, his or her disability annuity may be  
8 discontinued by the board until the retirant complies. If the  
9 refusal continues for one year, all the retirants rights in and to  
10 the annuity may be revoked by the board.

11 **§7-14D-19. Awards and benefits to surviving spouse -- When member**  
12 **dies from nonservice-connected causes.**

13 (a) In any case where a member who has been a member for at  
14 least ten years, while in covered employment after the effective  
15 date of this article, has died or dies from any cause other than  
16 those specified in section eighteen of this article and not due to  
17 vicious habits, intemperance or willful misconduct on his or her  
18 part, the fund shall pay annually in equal monthly installments to  
19 the surviving spouse during his or her lifetime, a sum equal to the  
20 greater of: (i) One half of the annual compensation received in the  
21 preceding twelve-month employment period by the deceased member; or  
22 (ii) if the member dies after his or her early or normal retirement  
23 age, the monthly amount which the spouse would have received had

1 the member retired the day before his or her death, elected a one  
2 hundred percent joint and survivor annuity with the spouse as the  
3 joint annuitant, and then died. Where the member is receiving  
4 disability benefits under section ~~fourteen~~ fifteen of this article  
5 at the time of his or her death, the most recent monthly  
6 compensation determined under section seventeen of this article  
7 shall be substituted for the annual compensation in (i) of this  
8 section.

9 (b) Benefits for a surviving spouse received under this  
10 section, section twenty and section twenty-one of this article are  
11 in lieu of receipt of any other benefits under this article for the  
12 spouse or any other person or under the provisions of any other  
13 state retirement system based upon the member's covered employment.

NOTE: The purpose of this bill is to modify the meaning of the term "member", to add a definition for the terms "retire" and "retirement", to delete provisions relating to correction of errors, to clarify that an estimation of benefits is provided prior to the submission of a retirement application from a member, and to add a new section relating to correction of errors, and to make technical corrections.

This bill was recommended for introduction and passage during the 2013 Regular Session of the Legislature by the Consolidated Public Retirement Board.

§7-14D-7a is new; therefore, underscoring and strike-throughs have been omitted.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.