

# H. B. 2784

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(BY DELEGATE(S) PETHTEL, JONES, CRAIG, CANTERBURY,

KUMP, LYNCH AND STOWERS)

**[BY REQUEST OF THE CONSOLIDATED**

**PUBLIC RETIREMENT BOARD]**

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

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

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

That §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted, and that said code be amended by adding thereto a new section, designated §7-14D-7a, all to read as follows:

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

**§7-14D-2. Definitions.**

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

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

9 (b) “Accumulated contributions” means the sum of all  
10 amounts deducted from the compensation of a member, or paid  
11 on his or her behalf pursuant to article ten-c, chapter five of this  
12 code, either pursuant to section seven of this article or section  
13 twenty-nine, article ten, chapter five of this code as a result of

14 covered employment together with regular interest on the  
15 deducted amounts.

16 (c) “Active member” means a member who is active and  
17 contributing to the plan.

18 (d) “Active military duty” means full-time active duty with  
19 any branch of the armed forces of the United States, including  
20 service with the National Guard or reserve military forces when  
21 the member has been called to active full-time duty and has  
22 received no compensation during the period of that duty from  
23 any board or employer other than the armed forces.

24 (e) “Actuarial equivalent” means a benefit of equal value  
25 computed upon the basis of the mortality table and interest rates  
26 as set and adopted by the retirement board in accordance with  
27 the provisions of this article: *Provided*, That when used in the  
28 context of compliance with the federal maximum benefit  
29 requirements of Section 415 of the Internal Revenue Code,  
30 “actuarial equivalent” shall be computed using the mortality  
31 tables and interest rates required to comply with those  
32 requirements.

33 (f) “Annual compensation” means the wages paid to the  
34 member during covered employment within the meaning of

35 Section 3401(a) of the Internal Revenue Code, but determined  
36 without regard to any rules that limit the remuneration included  
37 in wages based upon the nature or location of employment or  
38 services performed during the plan year plus amounts excluded  
39 under Section 414(h)(2) of the Internal Revenue Code and less  
40 reimbursements or other expense allowances, cash or noncash  
41 fringe benefits or both, deferred compensation and welfare  
42 benefits. Annual compensation for determining benefits during  
43 any determination period may not exceed the maximum  
44 compensation allowed as adjusted for cost of living in  
45 accordance with section seven, article ten-d, chapter five of this  
46 code and Section 401(a)(17) of the Internal Revenue Code.

47 (g) “Annual leave service” means accrued annual leave.

48 (h) “Annuity starting date” means the first day of the first  
49 calendar month following receipt of the retirement application  
50 by the board or the required beginning date, if earlier: *Provided*,  
51 That the member has ceased covered employment and reached  
52 early or normal retirement age.

53 (i) “Base salary” means a member’s cash compensation  
54 exclusive of overtime from covered employment during the last

55 twelve months of employment. Until a member has worked  
56 twelve months, annualized base salary is used as base salary.

57 (j) “Board” means the Consolidated Public Retirement Board  
58 created pursuant to article ten-d, chapter five of this code.

59 (k) “County commission” has the meaning ascribed to it in  
60 section one, article one, chapter seven of this code.

61 (l) “Covered employment” means either: (1) Employment as  
62 a deputy sheriff and the active performance of the duties  
63 required of a deputy sheriff; or (2) the period of time which  
64 active duties are not performed but disability benefits are  
65 received under section fourteen or fifteen of this article; or (3)  
66 concurrent employment by a deputy sheriff in a job or jobs in  
67 addition to his or her employment as a deputy sheriff where the  
68 secondary employment requires the deputy sheriff to be a  
69 member of another retirement system which is administered by  
70 the Consolidated Public Retirement Board pursuant to article  
71 ten-d, chapter five of this code: Provided, That the deputy sheriff  
72 contributes to the fund created in section six of this article the  
73 amount specified as the deputy sheriff’s contribution in section  
74 seven of this article.

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

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

81 (o) "Dependent child" means either:

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

83 (A) A natural child of the member;

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

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

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

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

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

93 (B) Who was claimed as a dependent by the member for  
94 federal income tax purposes at the time of the member's death;  
95 and

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

98 (p) “Dependent parent” means the father or mother of the  
99 member who was claimed as a dependent by the member for  
100 federal income tax purposes at the time of the member’s death.

101 (q) “Disability service” means service credit received by a  
102 member, expressed in whole years, fractions thereof or both,  
103 equal to one half of the whole years, fractions thereof or both,  
104 during which time a member receives disability benefits under  
105 section fourteen or fifteen of this article.

106 (r) “Early retirement age” means age forty or over and  
107 completion of twenty years of service.

108 (s) “Employer error” means an omission, misrepresentation,  
109 or violation of relevant provisions of the West Virginia Code or  
110 of the West Virginia Code of State Regulations or the relevant  
111 provisions of both the West Virginia Code and of the West  
112 Virginia Code of State Regulations by the participating public  
113 employer that has resulted in an underpayment or overpayment  
114 of contributions required. A deliberate act contrary to the  
115 provisions of this section by a participating public employer does  
116 not constitute employer error.

117 (t) “Effective date” means July 1, 1998.

118 (u) “Final average salary” means the average of the highest  
119 annual compensation received for covered employment by the  
120 member during any five consecutive plan years within the  
121 member’s last ten years of service. If the member did not have  
122 annual compensation for the five full plan years preceding the  
123 member’s attainment of normal retirement age and during that  
124 period the member received disability benefits under section  
125 fourteen or fifteen of this article then “final average salary”  
126 means the average of the monthly salary determined paid to the  
127 member during that period as determined under section  
128 seventeen of this article multiplied by twelve.

129 (v) “Fund” means the West Virginia Deputy Sheriff  
130 Retirement Fund created pursuant to section six of this article.

131 (w) “Hour of service” means:

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

136 (2) Each hour for which a member is paid or entitled to  
137 payment for covered employment during a plan year but where



138 no duties are performed due to vacation, holiday, illness,  
139 incapacity including disability, layoff, jury duty, military duty,  
140 leave of absence or any combination thereof and without regard  
141 to whether the employment relationship has terminated. Hours  
142 under this paragraph shall be calculated and credited pursuant to  
143 West Virginia Division of Labor rules. A member will not be  
144 credited with any hours of service for any period of time he or  
145 she is receiving benefits under section fourteen or fifteen of this  
146 article; and

147 (3) Each hour for which back pay is either awarded or agreed  
148 to be paid by the employing county commission, irrespective of  
149 mitigation of damages. The same hours of service shall not be  
150 credited both under this paragraph and paragraph (1) or (2) of  
151 this subdivision. Hours under this paragraph shall be credited to  
152 the member for the plan year or years to which the award or  
153 agreement pertains rather than the plan year in which the award,  
154 agreement or payment is made.

155 (x) "Member" means a person first hired as a deputy sheriff  
156 after the effective date of this article, as defined in subsection ~~(r)~~  
157 (t) of this section, or a deputy sheriff first hired prior to the

158 effective date and who elects to become a member pursuant to  
159 section five or seventeen of this article. A member shall remain  
160 a member until the benefits to which he or she is entitled under  
161 this article are paid or forfeited or until cessation of membership  
162 pursuant to section five of this article.

163 (y) “Monthly salary” means the portion of a member’s  
164 annual compensation which is paid to him or her per month.

165 (z) “Normal form” means a monthly annuity which is one  
166 twelfth of the amount of the member’s accrued benefit which is  
167 payable for the member’s life. If the member dies before the sum  
168 of the payments he or she receives equals his or her accumulated  
169 contributions on the annuity starting date, the named beneficiary  
170 shall receive in one lump sum the difference between the  
171 accumulated contributions at the annuity starting date and the  
172 total of the retirement income payments made to the member.

173 (aa) “Normal retirement age” means the first to occur of the  
174 following: (1) Attainment of age fifty years and the completion  
175 of twenty or more years of service; (2) while still in covered  
176 employment, attainment of at least age fifty years and when the  
177 sum of current age plus years of service equals or exceeds

178 seventy years; (3) while still in covered employment, attainment  
179 of at least age sixty years and completion of five years of  
180 service; or (4) attainment of age sixty-two years and completion  
181 of five or more years of service.

182 (bb) “Partially disabled” means a member’s inability to  
183 engage in the duties of deputy sheriff by reason of any medically  
184 determinable physical or mental impairment that can be expected  
185 to result in death or that has lasted or can be expected to last for  
186 a continuous period of not less than twelve months. A member  
187 may be determined partially disabled for the purposes of this  
188 article and maintain the ability to engage in other gainful  
189 employment which exists within the state but which ability  
190 would not enable him or her to earn an amount at least equal to  
191 two thirds of the average annual compensation earned by all  
192 active members of this plan during the plan year ending as of the  
193 most recent June 30, as of which plan data has been assembled  
194 and used for the actuarial valuation of the plan.

195 (cc) “Public Employees Retirement System” means the West  
196 Virginia Public Employees Retirement System created by article  
197 ten, chapter five of this code.

198 (dd) “Plan” means the West Virginia Deputy Sheriff Death,  
199 Disability and Retirement Plan established by this article.

200 (ee) “Plan year” means the twelve-month period  
201 commencing on July 1 of any designated year and ending the  
202 following June 30.

203 (ff) “Qualified public safety employee” means any employee  
204 of a participating state or political subdivision who provides  
205 police protection, fire-fighting services or emergency medical  
206 services for any area within the jurisdiction of the state or  
207 political subdivision, or such other meaning given to the term by  
208 Section 72(t)(10)(B) of the Internal Revenue Code or by  
209 Treasury Regulation §1.401(a)-1(b)(2)(v) as they may be  
210 amended from time to time.

211 (gg) “Regular interest” means the rate or rates of interest per  
212 annum, compounded annually, as the board adopts in accordance  
213 with the provisions of this article.

214 (hh) “Required beginning date” means April 1 of the  
215 calendar year following the later of: (i) The calendar year in  
216 which the member attains age seventy and one-half; or (ii) the  
217 calendar year in which he or she retires or otherwise separates  
218 from covered employment.

219 (ii) “Retire” or “retirement” means a member’s withdrawal  
220 from the employ of a participating public employer and the  
221 commencement of an annuity by the plan.

222 (ii) (jj) “Retirement income payments” means the annual  
223 retirement income payments payable under the plan.

224 (jj) (kk) “Spouse” means the person to whom the member is  
225 legally married on the annuity starting date.

226 (kk) (ll) “Surviving spouse” means the person to whom the  
227 member was legally married at the time of the member’s death  
228 and who survived the member.

229 (ll) (mm) “Totally disabled” means a member’s inability to  
230 engage in substantial gainful activity by reason of any medically  
231 determined physical or mental impairment that can be expected  
232 to result in death or that has lasted or can be expected to last for  
233 a continuous period of not less than twelve months. For purposes  
234 of this subdivision:

235 (1) A member is totally disabled only if his or her physical  
236 or mental impairment or impairments are so severe that he or she  
237 is not only unable to perform his or her previous work as a  
238 deputy sheriff but also cannot, considering his or her age,

239 education and work experience, engage in any other kind of  
240 substantial gainful employment which exists in the state  
241 regardless of whether: (A) The work exists in the immediate area  
242 in which the member lives; (B) a specific job vacancy exists; or  
243 (C) the member would be hired if he or she applied for work.

244 (2) "Physical or mental impairment" is an impairment that  
245 results from an anatomical, physiological or psychological  
246 abnormality that is demonstrated by medically accepted clinical  
247 and laboratory diagnostic techniques. A member's receipt of  
248 Social Security disability benefits creates a rebuttable  
249 presumption that the member is totally disabled for purposes of  
250 this plan. Substantial gainful employment rebuts the presumption  
251 of total disability.

252 ~~(mm)~~ (nn) "Year of service". — A member shall, except in  
253 his or her first and last years of covered employment, be credited  
254 with year of service credit based upon the hours of service  
255 performed as covered employment and credited to the member  
256 during the plan year based upon the following schedule:

257	Hours of Service	Years of Service Credited
258	Less than 500	0
259	500 to 999	1/3

260 1,000 to 1,499 2/3

261 1,500 or more 1

262 During a member's first and last years of covered  
263 employment, the member shall be credited with one twelfth of  
264 a year of service for each month during the plan year in which  
265 the member is credited with an hour of service. A member is not  
266 entitled to credit for years of service for any time period during  
267 which he or she received disability payments under section  
268 fourteen or fifteen of this article. Except as specifically  
269 excluded, years of service include covered employment prior to  
270 the effective date. Years of service which are credited to a  
271 member prior to his or her receipt of accumulated contributions  
272 upon termination of employment pursuant to section thirteen of  
273 this article or section thirty, article ten, chapter five of this code,  
274 shall be disregarded for all purposes under this plan unless the  
275 member repays the accumulated contributions with interest  
276 pursuant to section thirteen of this article or had prior to the  
277 effective date made the repayment pursuant to section eighteen,  
278 article ten, chapter five of this code.

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

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



21 (b) Any active member who has concurrent employment in  
22 an additional job or jobs and the additional employment requires  
23 the deputy sheriff to be a member of another retirement system  
24 which is administered by the Consolidated Public Retirement  
25 Board pursuant to article ten-d, chapter five of this code shall  
26 make an additional contribution to the fund of eight and one-half  
27 percent of his or her monthly salary earned from any additional  
28 employment which requires the deputy sheriff to be a member of  
29 another retirement which is administered by the Consolidated  
30 Public Retirement Board pursuant to article ten-d, chapter five  
31 of this code. An additional amount shall be paid to the fund by  
32 the concurrent employer for which the member is employed in  
33 an amount determined by the board: *Provided*, That in any year  
34 preceding July 1, 2011, the total of the contributions provided in  
35 this section, to be paid by the concurrent employer, may not  
36 exceed ten and one- half percent of the monthly salary of the  
37 employee: *Provided, however*, That on or after July 1, 2011, the  
38 total of the contributions provided in this section, to be paid by  
39 the concurrent employer, may not exceed thirteen percent of the  
40 monthly salary of the employee. If the board finds that the

41 benefits provided by this article can be funded with a lesser  
42 contribution, then the board shall reduce the required member or  
43 employer contributions or both. The sums withheld each  
44 calendar month shall be paid to the fund no later than fifteen  
45 days following the end of the calendar month.

46 ~~(c) If any change or employer error in the records of any~~  
47 ~~participating public employer or the retirement system results in~~  
48 ~~any member receiving from the system more or less than he or~~  
49 ~~she would have been entitled to receive had the records been~~  
50 ~~correct, the board shall correct the error, and as far as is~~  
51 ~~practicable shall adjust the payment of the benefit in a manner~~  
52 ~~that the actuarial equivalent of the benefit to which the member~~  
53 ~~was correctly entitled shall be paid. Any employer error resulting~~  
54 ~~in an underpayment to the retirement system may be corrected~~  
55 ~~by the member remitting the required employee contribution and~~  
56 ~~the participating public employer remitting the required~~  
57 ~~employer contribution. Interest shall accumulate in accordance~~  
58 ~~with the retirement board reinstatement interest as established in~~  
59 ~~Legislative Rule 162-CSR-7 and any accumulating interest owed~~  
60 ~~on the employee and employer contributions resulting from the~~

61 ~~employer error shall be the responsibility of the participating~~  
62 ~~public employer. The participating public employer may remit~~  
63 ~~total payment and the employee reimburse the participating~~  
64 ~~public employer through payroll deduction over a period~~  
65 ~~equivalent to the time period during which the employer error~~  
66 ~~occurred.~~

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

1       (a) General rule: If any change or employer error in the  
2 records of any participating public employer or the plan results  
3 in any member, retirant or beneficiary receiving from the plan  
4 more or less than he or she would have been entitled to receive  
5 had the records been correct, the board shall correct the error. If  
6 correction of the error occurs after the effective retirement date  
7 of a retirant, and as far as is practicable, the board shall adjust  
8 the payment of the benefit in a manner that the actuarial  
9 equivalent of the benefit to which the retirant was correctly  
10 entitled shall be paid.

11       (b) Underpayments: Any error resulting in an underpayment  
12 to the retirement system of required contributions may be  
13 corrected by the member or retirant remitting the required

14 employee contribution and the participating public employer  
15 remitting the required employer contribution. Interest shall  
16 accumulate in accordance with the Legislative Rule 162 CSR 7  
17 concerning retirement board refund, reinstatement, retroactive  
18 service, loan and employer error interest factors and any  
19 accumulating interest owed on the employee and employer  
20 contributions resulting from an employer error shall be the  
21 responsibility of the participating public employer. The  
22 participating public employer may remit total payment and the  
23 employee reimburse the participating public employer through  
24 payroll deduction over a period equivalent to the time period  
25 during which the employer error occurred. If the correction of an  
26 error involving an underpayment of required contributions to the  
27 retirement system will result in increased payments to a retirant,  
28 including increases to payments already made, any adjustments  
29 shall be made only after the board receives full payment of all  
30 required employee and employer contributions, including  
31 interest.

32 (c) Overpayments: (1) When mistaken or excess employer  
33 contributions, including any overpayments, have been made to

34 the retirement system by a participating public employer, due to  
35 error or other reason, the board shall credit the participating  
36 public employer with an amount equal to the erroneous  
37 contributions, to be offset against the participating public  
38 employer's future liability for employer contributions to the  
39 system. Earnings or interest shall not be credited to the  
40 employer.

41 (2) When mistaken or excess employee contributions,  
42 including any overpayments, have been made to the retirement  
43 system, due to error or other reason, the board shall have sole  
44 authority for determining the means of return, offset or credit to  
45 or for the benefit of the employee of the amounts, and may use  
46 any means authorized or permitted under the provisions of  
47 Section 401(a), et seq. of the Internal Revenue Code and  
48 guidance issued thereunder applicable to governmental plans.  
49 Alternatively, in its full and complete discretion, the board may  
50 require the participating public employer to pay the employee  
51 the amounts as wages, with the board crediting the participating  
52 public employer with a corresponding amount to offset against  
53 its future contributions to the plan: *Provided*, That the wages

54 paid to the employee shall not be considered compensation for  
55 any purposes under this article. Earnings or interest shall not be  
56 returned, offset, or credited under any of the means utilized by  
57 the board for returning mistaken or excess employee  
58 contributions, including any overpayments, to an employee.

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

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

15 executed retirement application forms from the member, the  
16 board shall process the member's request and commence  
17 payments as soon as administratively feasible.

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

1 (a) The board may require any member who has applied for  
2 or is receiving disability benefits under this article to submit to  
3 a physical examination, mental examination or both, by a  
4 physician or physicians selected or approved by the board and  
5 may cause all costs incident to the examination and approved by  
6 the board to be paid from the fund. The costs may include  
7 hospital, laboratory, X ray, medical and physicians' fees. A  
8 report of the findings of any physician shall be submitted in  
9 writing to the board for its consideration. If, from the report,  
10 independent information, or from the report and any hearing on  
11 the report, the board is of the opinion and finds that: (1) The  
12 member has become reemployed as a law-enforcement officer;  
13 (2) two physicians who have examined the member have found  
14 that considering the opportunities for law enforcement in West  
15 Virginia, the member could be so employed as a deputy sheriff;

16 or (3) other facts exist to demonstrate that the member is no  
17 longer totally disabled or partially disabled as the case may be,  
18 then the disability benefits shall cease. If the member was totally  
19 disabled and is found to have recovered, the board shall  
20 determine whether the member continues to be partially  
21 disabled. If the board finds that the member is no longer totally  
22 disabled but is partially disabled, then the member shall continue  
23 to receive partial disability benefits in accordance with this  
24 article. Benefits shall cease once the member has been found to  
25 be no longer either totally or partially disabled: *Provided*, That  
26 the board shall require recertification for each partial or total  
27 disability at regular intervals as specified by the guidelines  
28 adopted by the ~~Public Employees~~ Deputy Sheriff Retirement  
29 System.

30 (b) If a retirant refuses to submit to a medical examination  
31 or submit a statement by his or her physician certifying  
32 continued disability in any period, his or her disability annuity  
33 may be discontinued by the board until the retirant complies. If  
34 the refusal continues for one year, all the retirants rights in and  
35 to the annuity may be revoked by the board.



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

1       (a) In any case where a member who has been a member for  
2 at least ten years, while in covered employment after the  
3 effective date of this article, has died or dies from any cause  
4 other than those specified in section eighteen of this article and  
5 not due to vicious habits, intemperance or willful misconduct on  
6 his or her part, the fund shall pay annually in equal monthly  
7 installments to the surviving spouse during his or her lifetime, a  
8 sum equal to the greater of: (i) One half of the annual  
9 compensation received in the preceding twelve-month  
10 employment period by the deceased member; or (ii) if the  
11 member dies after his or her early or normal retirement age, the  
12 monthly amount which the spouse would have received had the  
13 member retired the day before his or her death, elected a one  
14 hundred percent joint and survivor annuity with the spouse as the  
15 joint annuitant, and then died. Where the member is receiving  
16 disability benefits under section ~~fourteen~~ fifteen of this article at  
17 the time of his or her death, the most recent monthly  
18 compensation determined under section seventeen of this article

19 shall be substituted for the annual compensation in (i) of this  
20 section.

21 (b) Benefits for a surviving spouse received under this  
22 section, section twenty and section twenty-one of this article are  
23 in lieu of receipt of any other benefits under this article for the  
24 spouse or any other person or under the provisions of any other  
25 state retirement system based upon the member's covered  
26 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, it has been completely underscored.

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

The Committee on Finance moves to amend the title of the bill as follows:

**H. B. 2784** - "A BILL to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; defining member, retire and retirement; providing for the correction of errors; providing that an estimation of benefits is provided prior to the submission of a retirement application from a member; and providing for recertification of disability."



