

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4136

BY DELEGATES HIGGINBOTHAM, ELLINGTON, SUMMERS,

HAMBRICK, BARHART, DEAN AND HANNA

[Introduced January 13, 2020; Referred to the Committee

on Pensions and Retirement then Finance]

1 A BILL to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating
 2 to deputy sheriff retirement system act, service as sheriff.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-24. Service as sheriff.

1 (a) Any active, former or separated member who after the effective date of this article is
 2 elected sheriff of a county in West Virginia may elect to continue or be reinstated as a member in
 3 this plan by paying the amounts required by section seven of this article. Upon the election,
 4 service as a sheriff shall be treated as covered employment and the sheriff is not entitled to any
 5 credit for that service under any other retirement system of the state.

6 (b) Any member retired as a deputy sheriff under this plan who, after the effective date of
 7 this article, is elected or appointed sheriff of a county in West Virginia, may elect to suspend the
 8 payment of his or her annuity from this system and again become a contributing member of this
 9 plan by paying the amounts required by section seven of this article. Upon such election, service
 10 as a sheriff shall be treated as covered employment, and the sheriff is not entitled to any credit
 11 for that period of elected service under any other retirement system of the state. At the end of his
 12 or her term as sheriff, the member making such election shall have his or her annuity recalculated
 13 and shall be granted an adjustment to his or her previous annuity to include the period of elected
 14 service.

15 (c) Any person, who before the effective date of this article was elected sheriff of a county
 16 in West Virginia, and who, immediately prior to being so elected sheriff, was a deputy sheriff with
 17 at least 20 years of credited service under the Public Employees Retirement System, with at least
 18 16 of those 20 years having been earned as a deputy sheriff, may elect to become a member of
 19 this plan by paying the amounts required by section seven of this article. Upon such election,
 20 service shall be transferred from the Public Employees Retirement System pursuant to section
 21 eight of this article: *Provided*, That any service as a sheriff shall be treated as covered employment

22 under this article and the sheriff is not entitled to any credit for that service as a sheriff or the prior
23 service as a deputy sheriff under any other retirement system of the state. Persons making the
24 election provided for in this subsection shall do so within 10 days of taking office as sheriff or
25 within 10 days of the effective date of this provision.

26 (d) Any person who, before the effective date of this article, was elected sheriff of a county
27 of West Virginia, and who, prior to being elected sheriff, was a deputy sheriff and also a previously
28 elected sheriff, with credited service under the Public Employees Retirement System, with at least
29 16 of those years having been earned as combined service as a deputy sheriff and a previously
30 elected sheriff, may elect to become a member of this plan by paying the amounts required by
31 section seven of the article. Upon such election, service shall be transferred from the Public
32 Employees Retirement System pursuant to section eight of this article: *Provided*, That a person's
33 service as a sheriff shall be treated as covered employment under this article, and that person is
34 not entitled to any credit for that service as a sheriff or deputy sheriff under any other retirement
35 system of this state. A person making the election provided in this subsection shall do so within
36 30 days of taking office as a sheriff or within 30 days of the effective date of this provision.

NOTE: The purpose of this bill is to clarify the permission for any elected Sheriff who was a qualified member of the DSRS to resume participation in the DSRS if the Deputy Sheriff had a break in service to run for election to the Office of Sheriff.

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