

**H. B. 2659**

(By Delegates Eldridge, Marcum, Campbell and Hicks)

[Introduced February 9, 2015; referred to the

Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §23-2-1b of the Code of West Virginia, 1931, as amended, relating to workers' compensation; employers and employees subject to coverage; and providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced premiums when not actively engaged in fire fighting.

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

That §23-2-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. EMPLOYERS AND EMPLOYEES SUBJECT TO CHAPTER;  
EXTRATERRITORIAL COVERAGE.**

**§23-2-1b. Special provisions as to premiums.**

(a) Except as provided for in subsection (b) of this section, every executive officer of an association or of a corporation, any member of a partnership or owner of a sole proprietorship which has not elected to forgo coverage under this chapter for such officer, member or owner shall pay

1 premiums based upon the actual salary paid to ~~such~~ the employee up to an amount sufficient to  
2 qualify such employee to receive the maximum level of benefits, but in no event ~~shall~~ may the basis  
3 for premium be less than the salary necessary to provide ~~such~~ the employee with the minimum level  
4 of benefits.

5 (b) Every executive officer of a not-for-profit association or of a not-for-profit corporation  
6 which has not elected to forgo coverage under this chapter for such officer, member or owner shall  
7 pay premiums based upon the actual salary paid to ~~such~~ the employee up to an amount sufficient to  
8 qualify ~~such~~ the employee to receive the maximum level of benefits, but in no event ~~shall~~ may the  
9 basis for premium be less than \$100.

10 (c) Every elected official or officer, whether full time or part time and including members  
11 of the Legislature, whose governmental entity elects coverage under this chapter for ~~such~~ the elected  
12 official or officer, shall pay or have paid for him or her premiums based upon the actual salary paid  
13 to ~~such~~ the elected official or officer up to an amount sufficient to qualify ~~such~~ the elected official  
14 or officer to receive the maximum level of benefits, but in no event ~~shall~~ may the basis for premium  
15 be less than the salary necessary to provide ~~such~~ the elected official or officer with the minimum  
16 level of benefits. For the purposes of this subsection, an elected official or officer ~~shall~~ includes a  
17 person appointed to an elected position to complete a term for that elected position.

18 (d) The premium and actual expenses in connection with governmental agencies and  
19 departments of the State of West Virginia shall be paid out of the State Treasury from appropriations  
20 made for such agencies and departments, in the same manner as other disbursements are made by  
21 such agencies and departments.

22 (e) County commissions, municipalities, other political subdivisions of the state, county

1 boards of education, emergency service organizations organized as aforesaid and volunteer fire  
2 departments or companies shall provide for the funds to pay their prescribed premiums into the fund  
3 and such premiums and premiums of state agencies and departments, including county boards of  
4 education, shall be paid into the fund in the same manner as herein provided for other employers  
5 subject to this chapter.

6 (f) County commissions and municipalities are hereby authorized to pay all or any part of the  
7 premiums prescribed for ~~such~~ emergency service organizations organized as aforesaid and ~~such~~ the  
8 duly incorporated volunteer fire departments or companies as may provide services within the county  
9 or municipality.

10 (g) Notwithstanding any other provision of this chapter or law to the contrary, premiums for  
11 paid county or municipal fire departments and duly incorporated volunteer fire departments or  
12 companies shall be reduced for those periods that the firefighters are not actively engaged in fire  
13 fighting efforts. The Insurance Commissioner shall determine the reduced premiums to be paid for  
14 those periods when the firefighters are not actively engaged in fire fighting and propose rules for  
15 legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this  
16 code to implement the provisions of this subsection.

NOTE: The purpose of this bill is to provide that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting. The Insurance Commissioner is to determine the premiums.

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