

H. B. 2720

(By Delegates Deem, Kelly and Azinger)

[Introduced February 13, 2015; referred to the

Committee on Pensions and Retirement then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to municipal policemen's and firemen's pension and relief fund disability benefits.

Be it enacted by the Legislature of West Virginia:

That §8-22-24 of the Code of West Virginia, 1931, as amended , be amended and reenacted to read as follows:

ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION AND RELIEF FUND; FIREMEN'S PENSION AND RELIEF FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND SEWERAGE SYSTEM.

§8-22-24. Disability pensions.

(a) The monthly sum to be paid to each member eligible for disability received as a proximate result of service rendered in the performance of his or her duties under the provisions of section

1 twenty-three-a of this article shall be equal to sixty percent of the monthly salary being received by
2 ~~such the~~ member, at the time he or she is so disabled, or the sum of \$500 per month, whichever shall
3 be greater: *Provided*, That the limitation provided in subsection (b) of this section is not exceeded.

4 (b) Effective for any member who becomes eligible for disability benefits on or after July 1,
5 1981, under the provisions of section twenty-three-a of this article, as a proximate result of service
6 rendered in the performance of ~~his~~ the member's duties within ~~such the~~ departments, ~~his the~~
7 member's monthly disability payment as provided in subsection (a) of this section shall not, when
8 aggregated with the monthly amount of state workers' compensation, result in ~~such the~~ disabled
9 member receiving a total monthly income from such sources in excess of one hundred percent of the
10 basic compensation which is paid to members holding the same position which ~~such the~~ member
11 held within ~~such the~~ department at the time of ~~his the member's~~ disability. Lump sum payments of
12 state workers' compensation benefits shall not be considered for purposes of this subsection unless
13 ~~such the~~ lump sum payments represent commuted values of monthly state workers' compensation
14 benefits.

15 (c) Any member who has served on active duty with the Armed Forces of the United States
16 as described in section twenty-seven of this article, whether prior or subsequent to becoming a
17 member of a paid police or fire department covered by the provisions of this article, and who, on July
18 1, 1986, is receiving or thereafter receives a disability pension, shall receive in addition to the sixty
19 percent or minimum \$500 authorized in subsection (a) of this section, one additional percent for each
20 year served in active military duty, up to a maximum of four additional percent.

21 (d) Beginning on and after April 1, 1991, the monthly sum to be paid to a member who
22 becomes eligible for total disability incurred not in the line of duty shall be the monthly benefit

1 provided in subsection (a) of this section: *Provided*, That the limitation is subsection (b) of this
2 section is not exceeded: *Provided, however*, That for any person receiving benefits under this
3 subsection who is self-employed or employed by another, there shall be offset against said benefits
4 the amount of \$1 for each \$3 of income derived from self-employment or employment by another:
5 *Provided further*, That a person receiving disability benefits must file a certified copy of his or her
6 tax return on or before April 15 of each year to demonstrate either unemployment or income earned
7 from self-employment or employment by another: *And provided further*, That there shall be no
8 offset of benefit for any income derived from self-employment or employment by another when the
9 annual total amount of ~~such~~ the income is ~~\$7,500~~ \$15,000 or less.

NOTE: The purpose of this bill is to increase the amount a person receiving a disability benefit from a municipal policemen's or firemen's pension and relief fund may earn from employment or self employment without penalty from \$7,500 to \$15,000.

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