

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4289

BY DELEGATES WALTERS, PETHTEL, ANDERSON,

HAMILTON, HOLLEN AND E. EVANS

(BY REQUEST OF THE WEST VIRGINIA MUNICIPAL PENSION OVERSIGHT BOARD)

[Passed March 3, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating
2 to disability pensions of municipal employees; removing provision relating to limitation of
3 nonduty disability retirement; increasing amount of income that may be earned before an
4 offset of benefits is required; and increasing that limit automatically when the minimum
5 wage increases.

Be it enacted by the Legislature of West Virginia:

**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.

1 (a) The monthly sum to be paid to each member eligible for disability received as a
2 proximate result of service rendered in the performance of his or her duties under the provisions
3 of §8-22-23(a) of this code is equal to 60 percent of the monthly salary being received by the
4 member, at the time he or she is so disabled, or the sum of \$500 per month, whichever is greater:
5 *Provided*, That the limitation provided in subsection (b) of this section is not exceeded.

6 (b) Effective for any member who becomes eligible for disability benefits on or after July
7 1, 1981, under the provisions of §8-22-23a of this code, as a proximate result of service rendered
8 in the performance of the member's duties within such departments, the member's monthly
9 disability payment as provided in subsection (a) of this section may not, when aggregated with
10 the monthly amount of state workers' compensation, result in the disabled member receiving a
11 total monthly income from the sources in excess of one hundred percent of the basic
12 compensation which is paid to members holding the same position which the member held within
13 the department at the time of the member's disability. Lump sum payments of state workers'

14 compensation benefits are not considered for purposes of this subsection unless the lump sum
15 payments represent commuted values of monthly state workers' compensation benefits.

16 (c) Any member who has served on active duty with the armed forces of the United States
17 as described in §8-22-27 of this code, whether prior or subsequent to becoming a member of a
18 paid police or fire department covered by the provisions of this article, and who, on July 1, 1986,
19 is receiving or thereafter receives a disability pension, shall receive in addition to the 60 percent
20 or minimum \$500 authorized in subsection (a) of this section, one additional percent for each year
21 served in active military duty, up to a maximum of four additional percent.

22 (d) Beginning on and after April 1, 1991, the monthly sum to be paid to a member who
23 becomes eligible for total disability incurred not in the line of duty is the monthly benefit provided
24 in subsection (a) of this section: *Provided*, That for any person receiving benefits under this
25 subsection who is self-employed or employed by another, there shall be offset against the benefits
26 the amount of \$1 for each \$3 of income derived from self-employment or employment by another:
27 *Provided however*, That a person receiving disability benefits must file a certified copy of his or
28 her tax return on or before April 15 of each year to demonstrate either unemployment or income
29 earned from self-employment or employment by another: *Provided further*, That there is no offset
30 of benefit for any income derived from self-employment or employment by another when the
31 annual total amount of the income is \$18,200 or less.

32 (e) The \$18,200 limit in subsection (d) of this section shall be automatically increased
33 when the minimum wage, as provided in §21-5C-2 of this code, increases, by the same
34 percentage of the increase in the minimum wage.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2018.

.....
Governor