

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3282

FISCAL
NOTE

By Delegates Storch, Anderson, Kump, Marple,
Hornbuckle, and E. Pritt

[Introduced February 03, 2023; Referred to the
Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §8-22A-18 of the Code of West Virginia, 1931, as amended, relating
 2 to decreasing the time period of eligibility for nonduty disability from 10 to five or more
 3 years of contributory service for the West Virginia Municipal Police Officers and
 4 Firefighters Retirement System.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND
 FIREFIGHTERS RETIREMENT SYSTEM.**

**§8-22A-18. Awards and benefits for disability — due to other causes; exception during
 early period.**

1 (a) Except as provided in §8-22A-9(a) of this code, any municipal police officer or municipal
 2 firefighter with ~~10~~ five or more years of contributory service who, after the effective date of this
 3 article and during covered employment: (1) Has been or becomes totally disabled from any cause
 4 other than those set forth in §8-22A-17 of this code and not due to vicious habits, intemperance or
 5 willful misconduct on his or her part; and (2) in the opinion of two physicians after medical
 6 examination, at least one of whom shall be named by the board, he or she is by reason of the
 7 disability not only unable to perform his or her previous work as a police officer or firefighter but
 8 also cannot, considering his or her age, education and work experience, engage in any other kind
 9 of substantial gainful employment which exists in the state regardless of whether: (A) The work
 10 exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or (C) the
 11 member would be hired if he or she applied for work, is entitled to receive and shall be paid from
 12 the fund in monthly installments during the lifetime of the member or, if sooner, until the member
 13 attains normal retirement age or until the disability sooner terminates, the compensation set forth
 14 in, either subsection (b) or (c) of this section.

15 (b) If the member is totally disabled, he or she shall receive 66 and two-thirds percent of his
 16 or her average monthly compensation for months in which full compensation was received for the

17 12-month contributory period preceding the disability.

18 (c) If the member remains totally disabled until attaining 60 years of age, then the member
19 shall receive the retirement benefit provided in §8-22A-14 and §8-22A-15 of this code.

20 (d) The disability benefit payments will begin the first day of the month following termination
21 of employment and receipt of the disability retirement application by the Consolidated Public
22 Retirement Board.

NOTE: The purpose of this bill is to decrease the employment time for municipal police officers and firefighters to be eligible for nonduty disability benefits from 10 years to five years.

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