

H. B. 2959

(By Delegates Eldridge, R. Phillips, Stowers, Longstreth, Young, Sponaugle, Reynolds, Campbell, Tomblin, Marcum and M. Poling)

[Introduced March 18, 2013; 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,

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

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

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

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

6 (e) County commissions, municipalities, other political
7 subdivisions of the state, county boards of education, emergency
8 service organizations organized as aforesaid and volunteer fire
9 departments or companies shall provide for the funds to pay their
10 prescribed premiums into the fund and such premiums and premiums of
11 state agencies and departments, including county boards of
12 education, shall be paid into the fund in the same manner as herein
13 provided for other employers subject to this chapter.

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

19 (g) Notwithstanding any other provision of this chapter or law
20 to the contrary, premiums for paid county or municipal fire
21 departments and duly incorporated volunteer fire departments or
22 companies shall be reduced for those periods that the firefighters
23 are not actively engaged in fire fighting efforts. The Insurance
24 Commissioner shall determine the reduced premiums to be paid for

1 those periods when the firefighters are not actively engaged in
2 fire fighting and propose rules for legislative approval in
3 accordance with the provisions of article three, chapter twenty-
4 nine-a of this 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.