

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2659

FISCAL
NOTE

2015 Carryover

(BY DELEGATES ELDRIDGE, MARCUM, CAMPBELL AND
HICKS)

[Introduced January 13, 2016; referred to the
Committee on Finance.]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

1 (a) Except as provided for in subsection (b) of this section, every executive officer of an
 2 association or of a corporation, any member of a partnership or owner of a sole proprietorship
 3 which has not elected to forgo coverage under this chapter for such officer, member or owner
 4 shall pay premiums based upon the actual salary paid to ~~such~~ the employee up to an amount
 5 sufficient to qualify such employee to receive the maximum level of benefits, but in no event ~~shall~~
 6 may the basis for premium be less than the salary necessary to provide ~~such~~ the employee with
 7 the minimum level of benefits.

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

13 (c) Every elected official or officer, whether full time or part time and including members
 14 of the Legislature, whose governmental entity elects coverage under this chapter for ~~such~~ the

15 elected official or officer, shall pay or have paid for him or her premiums based upon the actual
16 salary paid to ~~such~~ the elected official or officer up to an amount sufficient to qualify ~~such~~ the
17 elected official or officer to receive the maximum level of benefits, but in no event ~~shall~~ may the
18 basis for premium be less than the salary necessary to provide ~~such~~ the elected official or officer
19 with the minimum level of benefits. For the purposes of this subsection, an elected official or
20 officer ~~shall~~ includes a person appointed to an elected position to complete a term for that elected
21 position.

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

26 (e) County commissions, municipalities, other political subdivisions of the state, county
27 boards of education, emergency service organizations organized as aforesaid and volunteer fire
28 departments or companies shall provide for the funds to pay their prescribed premiums into the
29 fund and such premiums and premiums of state agencies and departments, including county
30 boards of education, shall be paid into the fund in the same manner as herein provided for other
31 employers subject to this chapter.

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

36 (g) Notwithstanding any other provision of this chapter or law to the contrary, premiums
37 for paid county or municipal fire departments and duly incorporated volunteer fire departments or
38 companies shall be reduced for those periods that the firefighters are not actively engaged in fire

39 fighting efforts. The Insurance Commissioner shall determine the reduced premiums to be paid
40 for those periods when the firefighters are not actively engaged in fire fighting and propose rules
41 for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of
42 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.