

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2537

BY DELEGATES KELLY, CRISS, WAGNER, WARD,

ATKINSON, COOPER, ROWAN, ROMINE, R. AND

HARSHBARGER

[Introduced February 17, 2017; Referred
to the Committee on Pensions and Retirement then
Finance.]

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

Be it enacted by the Legislature of West Virginia:

1 That §8-22-24 of the Code of West Virginia, 1931, as amended, be amended and
 2 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.

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

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

14 which ~~such~~ the member held within ~~such~~ the department at the time of ~~his~~ the member's disability.
15 Lump sum payments of state workers' compensation benefits ~~shall~~ are not ~~be~~ considered for
16 purposes of this subsection unless ~~such~~ the lump sum payments represent commuted values of
17 monthly state workers' compensation benefits.

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

24 (d) Beginning on and after April 1, 1991, the monthly sum to be paid to a member who
25 becomes eligible for total disability incurred not in the line of duty ~~shall be~~ is the monthly benefit
26 provided in subsection (a) of this section: *Provided*, That the limitation is subsection (b) of this
27 section is not exceeded: *Provided, however*, That for any person receiving benefits under this
28 subsection who is self-employed or employed by another, there shall be offset against ~~said~~ the
29 benefits the amount of \$1 for each \$3 of income derived from self-employment or employment by
30 another: *Provided further*, That a person receiving disability benefits must file a certified copy of
31 his or her tax return on or before the April 15 of each year to demonstrate either unemployment
32 or income earned from self-employment or employment by another: *And provided further*, That
33 there ~~shall be~~ is no offset of benefit for any income derived from self-employment or employment
34 by another when the annual total amount of ~~such~~ the income is ~~\$7,500~~ \$18,200 or less.

35 (e) The \$18,200 limit in subsection (d) of this section shall be automatically increased
36 when the minimum wage increases, by the same percentage of the increase in the minimum
37 wage.

NOTE: The purpose of this bill is to increase amount of income that may be earned by a person receiving a municipal disability pension before an offset of benefits is required. The bill also provides an automatic increase to that limit when the minimum wage increases.

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