

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2160**

BY DELEGATES ELDRIDGE AND HICKS

[Introduced February 8, 2017; Referred  
to the Committee on Banking and Insurance then  
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 firefighting.

*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 employee up to an amount  
 5 sufficient to qualify such employee to receive the maximum level of benefits, but in no event shall  
 6 the basis for premium be less than the salary necessary to provide such employee with the  
 7 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 employee up to an amount  
 11 sufficient to qualify such employee to receive the maximum level of benefits, but in no event shall  
 12 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 elected  
 15 official or officer, shall pay or have paid for him or her premiums based upon the actual salary

16 paid to such elected official or officer up to an amount sufficient to qualify such elected official or  
17 officer to receive the maximum level of benefits, but in no event shall the basis for premium be  
18 less than the salary necessary to provide such elected official or officer with the minimum level of  
19 benefits. For the purposes of this subsection, an elected official or officer shall include a person  
20 appointed to an elected position to complete a term for that elected position.

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

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

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

35 (g) Notwithstanding any other provision of this chapter or law to the contrary, premiums  
36 for paid county or municipal fire departments and duly incorporated volunteer fire departments or  
37 companies shall be reduced for those periods that the firefighters are not actively engaged in  
38 firefighting efforts. The Insurance Commissioner shall determine the reduced premiums to be  
39 paid for those periods when the firefighters are not actively engaged in firefighting and propose  
40 rules for legislative approval in accordance with the provisions of article three, chapter twenty-  
41 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 firefighting. The Insurance Commissioner is to determine the premiums.

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