

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5456

FISCAL
NOTE

By Delegates Hott, B. Ward, Willis, Brooks, Flanigan,

Martin, Mallow, Jennings, Dittman, Green, and

Hornbuckle

[Introduced February 11, 2026; referred to the

Committee on Finance]

1 A BILL to amend and reenact §15-2-29 of the Code of West Virginia, 1931, as amended, relating to
 2 increasing pay for State Troopers with permanent total disability from injuries received in
 3 the line of duty in accordance with the pay increases the Trooper would have received from
 4 seniority had the Trooper not been injured.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-29. Awards and benefits for disability incurred in performance of duty.

1 (a) Any member of the fund who has not yet entered retirement status on the basis of age
 2 and service and who becomes partially disabled by injury, illness or disease resulting from any
 3 occupational risk or hazard inherent in or peculiar to the services required of employees of the
 4 agency or incurred pursuant to or while the employee was engaged in the performance of his or
 5 her duties as an employee of the agency shall, if, in the opinion of the board, he or she is by reason
 6 of that cause probably permanently unable to perform adequately the duties required of him or her
 7 as an employee of the agency, but is able to engage in any other gainful employment in a field
 8 other than law enforcement, be retired from active service by the board. The member thereafter is
 9 entitled to receive annually from the fund in equal monthly installments during his or her lifetime; or
 10 until the disability eligibility sooner terminates, one or the other of two amounts, whichever is
 11 greater:

12 (1) An amount equal to five and one-half percent of the total salary which would have been
 13 earned during 25 years, or during actual service if more than 25 years in the fund, based on the
 14 average earnings of the retirant while employed as an employee of the agency; or

15 (2) The sum of \$6,000.

16 (b) A retirant who is partially disabled under this article may not, while in receipt of benefits
 17 for partial disability, be employed as a law-enforcement officer: *Provided*, That a retirant retired on
 18 partial disability under this article may serve as an elected sheriff or appointed chief of police in the
 19 state without a loss of disability retirement benefits so long as the elected or appointed position is

20 shown, to the satisfaction of the board, to require the performance of administrative duties and
21 functions only, as opposed to the full range of duties of a law-enforcement officer.

22 (c) If any member not yet in retirement status on the basis of age and service is found by
23 the board to be permanently and totally disabled as the result of a physical or mental impairment
24 resulting from any occupational risk or hazard inherent in or peculiar to the services required of
25 employees of the agency or incurred pursuant to or while the member was engaged in the
26 performance of his or her duties as an employee of the agency, the member is entitled to receive
27 annually and there shall be paid from the fund in equal monthly installments during his or her
28 lifetime or until the disability eligibility sooner terminates, an amount equal to ~~eight and one-half~~
29 ~~percent~~ of the total salary which would have been earned by the employee had the member not
30 become permanently and totally disabled, or during actual service if more than twenty-five years of
31 service in the fund, based on the average earnings of the retirant ~~while employed as an employee~~
32 ~~of the agency~~ would have been earning had the member not been permanently and totally
33 disabled: *Provided*, That in no event may the amount be less than \$15,000 per annum, unless
34 otherwise required by this article.

35 (d) The superintendent may expend moneys from funds appropriated for the agency in
36 payment of medical, surgical, laboratory, X-ray, hospital, ambulance and dental expenses and
37 fees and reasonable costs and expenses incurred in the purchase of artificial limbs and other
38 approved appliances which may be reasonably necessary for any member or disability retirant
39 who has or becomes temporarily, permanently or totally disabled by injury, illness or disease
40 resulting from any occupational risk or hazard inherent in or peculiar to the service required of
41 employees of the agency or incurred pursuant to or while the member was or shall be engaged in
42 the performance of duties as an employee of the agency. Whenever the superintendent
43 determines that any disabled member or retirant is ineligible to receive any of the aforesaid
44 benefits at public expense, the superintendent shall, at the request of the disabled member or
45 retirant, refer the matter to the board for hearing and final decision. In no case will the

46 compensation rendered to health care providers for medical and hospital services exceed the then
47 current rate schedule approved by the West Virginia Insurance Commission.

48 (e) Any member awarded a disability benefit under the provisions of this section may
49 receive retirement disability annuity payments on the day following the board's approval of his or
50 her disability application. Upon termination of employment and receipt of properly executed forms
51 from the agency and the member, the board shall process the member's disability retirement
52 benefit and commence annuity payments as soon as administratively feasible.

53 (f) For the purposes of this section, the term "salary" does not include any compensation
54 paid for overtime service.

NOTE: The purpose of this bill is to increase pay for State Troopers with permanent total disability from injuries received in the line of duty in accordance with the pay increases the Trooper would have received from seniority had the Trooper not been injured.

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