

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1097

(By Mr. McManus)
Mr. Seibert



PASSED April 14 1973

In Effect ninety days from Passage



1097

FILED IN THE OFFICE
EDGAR F. WEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

ENROLLED

House Bill No. 1097

(By MR. SPEAKER, MR. McMANUS, and MR. SEIBERT)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-b, relating to the the coal-workers' pneumoconiosis fund; its purpose and establishment; to whom benefits are paid; who may subscribe; payment of benefits; how funded; administration; and separability from the workmen's compensation fund; reserving to the Legislature the power to merge, consolidate, alter or liquidate the fund.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article four-b, to read as follows:

ARTICLE 4B. COAL-WORKERS' PNEUMOCONIOSIS FUND.

§23-4B-1. Purpose.

1 The purpose of this article is to establish a fund to provide
2 benefits to coal miners who are totally disabled by pneumoco-
3 niosis and to eligible dependents of coal miners whose deaths
4 were due to pneumoconiosis or who were totally disabled from
5 pneumoconiosis at the time of their deaths. The further pur-
6 pose of this article is to provide a readily available insurer of
7 liability created by Title IV of the Federal Coal Mine Health
8 and Safety Act of 1969, as amended.

§23-4B-2. Coal-workers' pneumoconiosis fund established.

1 For the relief of persons who are entitled to receive bene-
2 fits by virtue of Title IV of the Federal Coal Mine Health and
3 Safety Act of 1969, as amended, there is hereby established a
4 fund to be known as the coal-workers' pneumoconiosis fund,
5 which fund shall be separate from the workmen's compensa-

6 tion fund. The coal-workers' pneumoconiosis fund shall con-
7 sist of premiums and other funds paid thereto by employers,
8 subject to the provisions of Title IV of the Federal Coal Mine
9 Health and Safety Act of 1969, as amended, who shall elect
10 to subscribe to such fund to insure the payment of benefits
11 required by such Act.

12 The state treasurer shall be the custodian of the coal-work-
13 ers' pneumoconiosis fund, and all premiums, deposits or other
14 moneys paid thereto shall be deposited in the state treasury
15 to the credit of the coal-workers' pneumoconiosis fund. Dis-
16 bursements from such fund shall be made upon requisition
17 signed by the commissioner to those persons entitled to parti-
18 cipate therein. The West Virginia state board of investments
19 shall have authority to invest any surplus, reserve or other
20 moneys belonging to the coal-workers pneumoconiosis fund in
21 accordance with article six, chapter twelve of this code.

§23-4B-3. To whom benefits paid.

1 Only those classes of persons who are entitled to benefits
2 under Title IV of the Federal Coal Mine Health and Safety
3 Act of 1969, as amended, are eligible to participate in the
4 coal-workers' pneumoconiosis fund.

§23-4B-4. Who may subscribe.

1 Only those employers who are subject to the provisions of
2 Title IV of the Federal Coal Mine Health and Safety Act of
3 1969, as amended, may elect to subscribe to the coal-workers'
4 pneumoconiosis fund to insure such liability as may be im-
5 posed upon such employers under the provisions of Title IV of
6 said Act.

§23-4B-5. Payment of benefits.

1 Upon receipt of an order of compensation issued pursuant
2 to a claim for benefits filed under the provisions of Title IV of
3 the Federal Coal Mine Health and Safety Act of 1969, as
4 amended, the commissioner shall disburse the coal-workers'
5 pneumoconiosis fund in such amounts and to such persons as
6 said order shall direct.

§23-4B-6. Coal-workers' pneumoconiosis fund; how funded.

1 For the purpose of creating the coal-workers' pneumoconio-

2 sis fund, each employer, who shall elect to subscribe to such
3 fund, shall pay premiums based upon and being such a per-
4 centage of the payroll of such employer as the commissioner
5 may determine. It shall be the duty of the commissioner to
6 fix and maintain the lowest possible rates of premiums con-
7 sistent with the maintenance of a solvent fund and the crea-
8 tion and maintenance of a reasonable surplus after providing
9 for payment to maturity of all liability insured pursuant to
10 Title IV of the Federal Coal Mine Health and Safety Act of
11 1969, as amended. Such premium rates shall be adjusted an-
12 nually, or more often as may in the opinion of the commis-
13 sioner be necessary.

14 The commissioner may by rule and regulation classify sub-
15 scribers into groups or classes according to the nature of the
16 hazards incident to the business thereof, and assign premium
17 rates thereto. In addition, the commissioner may by rule and
18 regulation prescribe procedures for subscription, payroll re-
19 porting, premium payment, termination of subscription, rein-
20 statement and other matters pertinent to such subscribers' con-
21 tinuing participation in the coal-workers' pneumoconiosis fund.

§23-4B-7. Administration.

1 The coal-workers' pneumoconiosis fund shall be administer-
2 ed by the state workmen's compensation commissioner, who
3 shall employ such employees as may be necessary to discharge
4 his duties and responsibilities under this article. All payments
5 of salaries and expenses of such employees and all expenses
6 peculiar to the administration of this article shall be made by
7 the state treasurer from the coal-workers' pneumoconiosis fund
8 upon requisitions signed by the commissioner.

§23-4B-8. Separable from workmen's compensation fund.

1 No disbursements shall be made from the workmen's com-
2 pensation fund on account of any provision of this article:
3 *Provided, however,* That the Legislature may at any time
4 merge, consolidate, alter or liquidate this fund as it may
5 determine and in no instance shall the operation of this
6 article be construed as creating any contract which would
7 deprive any injured employee of future benefits or increases
8 awarded by an act of Congress, nor shall this section operate
9 to create any liability upon the state of West Virginia.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrel Darby
Chairman Senate Committee

Laurence L. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard McCason
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Lewis J. McNamee
Speaker House of Delegates

The within approved this the 24th
day of April, 1973.

Arch A. Shaver Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

MAR 3 2 17 PM '73

OFFICE OF
GENERAL GOVERNOR
STATE OF WEST VIRGINIA