WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1974

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ENROLLED

HOUSE BILL No. 108

(By Mr. Seibert)

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PASSED June 24, 1974

In Effect From Passage

C 641
AN ACT to amend and reenact section twenty-five, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the service required by public employees to become eligible for disability retirement.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-25. Disability Retirement.

(a) Upon the application of a member or former member of the retirement system, or his present or past employing authority, any member or former member who (1) is or was in the employ of a participating public employer, (2) has ten or more years of credited service of which three years is contributing service, and (3) becomes totally and permanently incapacitated for employment, by reason of a personal injury or disease, may be retired by the board of trustees if after a medical examination of the said member or former member, made by or under the direction of a medical committee consisting of two physicians, one of whom shall be named by the board, and
one by the said member or former member, the said medical
committee reports, in writing, to the board that (1) the said
member or former member is physically or mentally totally in-
capacitated for employment, (2) that such incapacity will pro-
ably be permanent, and (3) that the said member or former
member should be retired. In the event the two above-men-
tioned physicians do not agree in their findings, then the board
of trustees may, at its discretion, appoint a third physician to
examine said member or former member and, based upon the
third physician’s report in writing, the board may retire said
member or former member.

(b) A member with less than ten years of credited service
shall have the service requirement provided for in subsection
(a) above (including the requirement of three years contribut-
ing service) waived in the event (1) the board of trustees finds
his total and permanent disability to be the natural and prox-
imate result of a personal injury or disease arising out of and in
the course of his actual performance of duty in the employ of a
participating public employer, and (2) he is in receipt of work-
men’s compensation on account of such physical or mental
disability.

(c) For those members or former members retiring and
those members retired, as of March one, one thousand nine
hundred seventy, he shall receive a straight life annuity com-
puted according to section twenty-two hereof and he shall have
the right to elect an option provided for in section twenty-four
hereof: Provided, That his straight life annuity payable to his
attainment of age sixty-five years shall not be less than fifty
percent of his final average salary; and his said straight life
annuity payable from and after his attainment of age sixty-five
years shall not be less than twenty percent of his final average
salary: Provided, however, That his said annuity shall be sub-
ject to section twenty-six hereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within [Approved] this the 1st
day of [July], 1974.

Governor
PRESENTED TO THE
GOVERNOR

Date 6/27/74
Time 1:25 p.m.