

WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1974



ENROLLED

HOUSE BILL No. 108

(By Mr. Seibert)



PASSED June 24, 1974

In Effect From Passage



FILED IN THE OFFICE
ROBERT F. WICKS III
SECRETARY OF STATE
THIS DATE 7-3-74

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ENROLLED

H. B. 108

(By MR. SEIBERT)

[Passed June 24, 1974; in effect from passage.]

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.

1 (a) Upon the application of a member or former member
2 of the retirement system, or his present or past employing au-
3 thority, any member or former member who (1) is or was in
4 the employ of a participating public employer, (2) has ten or
5 more years of credited service of which three years is contri-
6 buting service, and (3) becomes totally and permanently in-
7 capacitated for employment, by reason of a personal injury or
8 disease, may be retired by the board of trustees if after a medi-
9 cal examination of the said member or former member, made
10 by or under the direction of a medical committee consisting of
11 two physicians, one of whom shall be named by the board, and

12 one by the said member or former member, the said medical
13 committee reports, in writing, to the board that (1) the said
14 member or former member is physically or mentally totally in-
15 capacitated for employment, (2) that such incapacity will pro-
16 bably be permanent, and (3) that the said member or former
17 member should be retired. In the event the two above-men-
18 tioned physicians do not agree in their findings, then the board
19 of trustees may, at its discretion, appoint a third physician to
20 examine said member or former member and, based upon the
21 third physician's report in writing, the board may retire said
22 member or former member.

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

33 (c) For those members or former members retiring and
34 those members retired, as of March one, one thousand nine
35 hundred seventy, he shall receive a straight life annuity com-
36 puted according to section twenty-two hereof and he shall have
37 the right to elect an option provided for in section twenty-four
38 hereof: *Provided*, That his straight life annuity payable to his
39 attainment of age sixty-five years shall not be less than fifty
40 percent of his final average salary; and his said straight life
41 annuity payable from and after his attainment of age sixty-five
42 years shall not be less than twenty percent of his final average
43 salary: *Provided, however*, That his said annuity shall be sub-
44 ject to section twenty-six hereof.

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

H. Darrel Darby
Chairman Senate Committee

Lawrence C. Christensen Jr.
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Barson
Clerk of the Senate

U. A. Blankenship
Clerk of the House of Delegates

W. P. Brotherton Jr.
President of the Senate

Lewis T. McManus
Speaker House of Delegates

The within *approved* this the *1st*
day of *July*, 1974.

Arch A. Phang Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 6/27/74

Time 1:25 pm