WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 445

BY SENATORS NELSON, CLEMENTS, TRUMP, AND
PLYMALE

[Passed February 18, 2022; in effect 90 days from passage]
Committee Substitute for Senate Bill 445

By Senators Nelson, Clements, Trump, and Plymale

[Passed February 18, 2022; in effect 90 days from passage]
Enr CS for SB 445

AN ACT to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN’S PENSION AND RELIEF FUND; FIREMEN’S PENSION AND RELIEF FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM, OR COMBINED WATERWORKS AND SEWERAGE SYSTEM.


(a) The monthly sum to be paid to each member eligible for disability received as a proximate result of service rendered in the performance of his or her duties under the provisions of §8-22-23(a) of this code is equal to 60 percent of the monthly salary being received by the member, at the time he or she is so disabled, or the sum of $500 per month, whichever is greater:

Provided, That the limitation provided in subsection (b) of this section is not exceeded.

(b) Effective for any member who becomes eligible for disability benefits on or after July 1, 1981, under the provisions of §8-22-23a of this code, as a proximate result of service rendered in the performance of the member’s duties within such departments, the member’s monthly disability payment as provided in subsection (a) of this section may not, when aggregated with the monthly amount of state workers’ compensation, result in the disabled member receiving a total monthly income from the sources in excess of 100 percent of the basic compensation which is paid to members holding the same position which the member held within the department at the time of the member’s disability. Lump sum payments of state workers’ compensation benefits are not considered for purposes of this subsection unless the lump sum payments represent commuted values of monthly state workers’ compensation benefits.

(c) Any member who has served on active duty with the armed forces of the United States as described in §8-22-27 of this code, whether prior or subsequent to becoming a member of a
paid police or fire department covered by the provisions of this article, and who, on July 1, 1986, 
is receiving or thereafter receives a disability pension, shall receive in addition to the 60 percent 
or minimum $500 authorized in subsection (a) of this section, one additional percent for each year 
served in active military duty, up to a maximum of four additional percent.

(d) Beginning on and after April 1, 1991, the monthly sum to be paid to a member who 
becomes eligible for total disability incurred not in the line of duty is the monthly benefit provided 
in subsection (a) of this section: Provided, That for any person receiving benefits under this 
subsection who is self-employed or employed by another, there shall be offset against the benefits 
the amount of $1 for each $3 of income derived from self-employment or employment by another: 
Provided, however, That a person receiving disability benefits must file a certified copy of his or 
er her tax return on or before April 15 of each year to demonstrate either unemployment or income 
earned from self-employment or employment by another. If the retirant refuses or is unable to 
provide the certified copy of his or her tax return by April 15 for the previous year, the trustees of 
the policemen’s pension and relief fund or firemen’s pension and relief fund shall hold the 
member’s monthly disability pension in abeyance until the retirant complies. If the retirant has 
completed an application for automatic extension of time to file U.S. individual tax return, a copy 
of the same must be submitted to the board. Thereupon, the member’s monthly disability pension 
shall continue to be paid. If the retirant then refuses or is unable to provide the certified copy of 
his or her tax return by October 15 for the previous year, the trustees of the policemen’s pension 
and relief fund or firemen’s pension and relief fund shall hold the member’s monthly disability 
pension in abeyance until the retirant complies: Provided further, That there is no offset of benefit 
for any income derived from self-employment or employment by another when the annual total 
amount of the income is $18,200 or less.

(e) The $18,200 limit in subsection (d) of this section shall be automatically increased 
when the minimum wage, as provided in §21-5C-2 of this code, increases by the same percentage 
of the increase in the minimum wage.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved... this the... 1st...
Day of... Marshall... 2022.

Governor