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SB 479

FILED

2006 MAR 23 P 4: 27

CLIFFE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 479

(By Senator Kessler, et al)

PASSED March 8, 2006

In Effect from Passage

FILED

2006 MAR 23 P 4: 27

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 479

(BY SENATORS KESSLER, DEMPSEY, FANNING, FOSTER,
HUNTER, JENKINS, MINARD, OLIVERIO, WHITE, CARUTH,
DEEM, HARRISON, LANHAM AND WEEKS)

[Passed March 8, 2006; in effect from passage.]

AN ACT to amend and reenact §15-11-2 of the Code of West Virginia, 1931, as amended, relating to expanding the funeral expense payment benefit to include all probation officers killed in the line of duty.

Be it enacted by the Legislature of West Virginia:

That §15-11-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.

§15-11-2. Payment of funeral expenses of law-enforcement, safety and emergency workers killed in the line of duty.

- 1 (a) The Secretary of Military Affairs and Public Safety
- 2 shall, upon written request, direct payment from the fund
- 3 in the form of a draft as provided in this article up to and

4 including an amount not exceeding eight thousand dollars
5 for the reasonable funeral expenses, including burial
6 expenses, of a law-enforcement, safety or emergency
7 worker killed on or after the first day of January, one
8 thousand nine hundred ninety-nine, while carrying out
9 official duties: *Provided*, That no funds shall be expended
10 for any funeral expense that is otherwise payable pursuant
11 to the provisions of article four, chapter twenty-three of
12 this code, as amended, or other benefit programs estab-
13 lished by a provision of this code which does not involve
14 employee participation: *Provided, however*, That where
15 other funds for funeral expenses are provided pursuant to
16 the laws of this state, from whatever source, which amount
17 to less than eight thousand dollars, funds provided by the
18 provisions of this section shall be expended so as to ensure
19 that at least eight thousand dollars is available for reason-
20 able funeral expenses. The secretary shall direct payment
21 of the funeral expenses upon written request of an em-
22 ployer or head of a volunteer organization, as is appropri-
23 ate pursuant to this article, certifying that the individual
24 for whom funeral expenses are requested was killed while
25 performing official duties.

26 (b) The secretary shall supply the draft in the name of
27 the person contracting for the funeral services and, if
28 known, the service provider to the employer or agency
29 head making the request who shall tender the draft to the
30 person who contracted for the services.

31 (c) For the purposes of this section, "law-enforcement,
32 safety or emergency worker" means:

33 (1) Any duly authorized member of a law-enforcement
34 agency who is authorized to maintain public peace and
35 order, prevent and detect crime, make arrests and enforce
36 the laws of the state or any county or municipality of the
37 state, other than parking ordinances, and including those
38 persons employed as security officers at municipal, county,
39 regional or state offices, authorities or institutions,
40 although their employers may not be public law-enforce-

41 ment agencies, employed by the Hatfield-McCoy Regional
42 Recreation Authority and members of the West Virginia
43 National Guard while engaged in active duty service:
44 *Provided*, That this section does not apply to those persons
45 employed by private security firms or agencies;

46 (2) Any state, regional, county or municipal correctional
47 employee;

48 (3) Any firefighter employed by the state or any political
49 subdivision of the state and any volunteer firefighter
50 performing as a member of a volunteer fire department;

51 (4) Any "emergency medical services personnel", as
52 defined in section three, article four-c, chapter sixteen of
53 this code, employed by or volunteering for any state
54 agency or institution or political subdivision of the state;
55 or

56 (5) Any probation officer appointed under the provisions
57 of either section five, article twelve, chapter sixty-two of
58 this code or section fifteen, article five, chapter forty-nine
59 of this code.

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

Randy White
.....
Chairman Senate Committee

R. Burn
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Harrell Gibbs
.....
Clerk of the Senate

Briggs W. Bray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert St...
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
March
Day of , 2006.

Paul Hancock
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2006

Time 11:15 AM