

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 1537

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 1537

(By Mr. Karras)



Passed April 11, 1981

In Effect From Passage



ENROLLED

H. B. 1537

(By MR. KARRAS)

[Passed April 11, 1981; in effect from passage.]

AN ACT to amend and reenact section nine, article twenty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to death benefits for municipal employees under pension and relief fund; naming a beneficiary other than a spouse.

Be it enacted by the Legislature of West Virginia:

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

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

§8-22-9. Death benefits; return of contributions.

1 (a) A beneficiary or beneficiaries of a deceased member,
2 which member was not receiving a retirement pension under
3 the provisions of section seven of this article at the date
4 of his death, may qualify for death benefits under either of
5 the following mutually exclusive provisions:

6 (1) If the member died as a result of personal injury or
7 disease arising out of and in the course of his employment

8 with the city, the surviving spouse shall be entitled during
9 widowhood or widowerhood to a monthly benefit equal to
10 thirty-three and one-third percent of the final monthly salary
11 of the member, but not to exceed one hundred and twenty-
12 five dollars per month. In the event there be no surviving
13 spouse, or if remarriage occurs before the youngest child
14 attains age eighteen, each child under age eighteen shall
15 be entitled until age eighteen to a monthly benefit equal to
16 twenty percent of the member's final monthly salary, subject to
17 a total payment to all such children of fifty percent of such
18 final monthly salary, or one hundred twenty-five dollars per
19 month, whichever is the lesser. If there be no surviving spouse
20 or children under age eighteen, the deceased member's de-
21 pendent father or mother or both, the question of dependency
22 to be determined by the board, shall each be entitled until
23 death to a monthly payment equal to one sixth of the
24 deceased member's final monthly salary, but the payment to
25 either parent shall not exceed fifty dollars per month.

26 (2) If the member died from any cause other than that
27 stated in subdivision (1) of this subsection, and such member
28 at the date of his death had ten or more years' total service
29 credit, his beneficiary or beneficiaries shall be entitled, for
30 a period not to exceed ten years, to death benefits in ac-
31 cordance with the retirement pension table contained in
32 section seven of this article. The death benefits shall be
33 paid to such individual or individuals having an insurable
34 interest in the member's life as such member shall have
35 nominated in a designation filed with the board. As to any
36 spouse beneficiary, the marriage must have occurred at least
37 one year prior to the death of the member in order that the
38 spouse may be eligible for benefits under this subdivision (2).

39 (b) If a member receiving a retirement pension under the
40 provisions of section seven of this article at the date of his
41 death dies with a spouse or beneficiary surviving (concerning
42 which retirement pension the optional benefit provisions
43 set forth in subsection (e) of said section seven are not
44 applicable), and such member had been receiving such re-
45 tirement pension for less than ten years, such surviving
46 spouse or beneficiary shall be entitled to receive death bene-

47 fits equivalent to the deceased member's retirement pension
48 for the remaining period of ten years dating from the date
49 of the member's retirement. The death benefits shall be paid
50 to such individual or individuals having an insurable interest
51 in the member's life as such member shall have nominated
52 in a designation filed with the board; but a surviving
53 spouse shall not be entitled to death benefits under the
54 provisions of this subsection unless such surviving spouse was
55 married to the member before the date of his retirement and
56 such marriage took place at least one year prior to the date
57 of the death of the member. If the surviving spouse re-
58 marries, such spouse's death benefits shall be terminated and
59 shall not be resumed upon subsequent change in the marital
60 status of such spouse.

61 (c) If a member dies with less than ten years' total
62 service credit so that he was not entitled to a retirement
63 pension during life, the member's total contributions to the
64 fund, without interest, shall be returned to such individual
65 or individuals having an insurable interest in the member's
66 life as such member shall have nominated in a designation
67 filed with the board, and in the absence of any such designa-
68 tion, to the member's estate.

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

R. P. Baylor

Chairman Senate Committee

Tommy E. Whetlow

Chairman House Committee

Originated in the House.

Takes effect from passage.

Todd C. Willis

Clerk of the Senate

VA Blankenship

Clerk of the House of Delegates

Wm. R. ...

President of the Senate

Walter G. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *28*
day of *April*, 1981.

Paul R. ...

Governor

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SECY. OF STATE