

HB 2392

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2392

(By Mr. Speaker, Mr. Kiss, and Delegates Martin,
Stemple, Michael, Hunt, Mezzatesta and Varner)



Passed March 13, 1999

In Effect Ninety Days from Passage

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H. B. 2392

(BY MR. SPEAKER, MR. KISS, AND DELEGATES MARTIN,
STEMPLE, MICHAEL, HUNT, MEZZATESTA AND VARNER)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eleven, relating to payment of funeral expenses of certain law-enforcement, safety and emergency workers killed while performing their duties.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eleven, to read as follows:

ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.

§15-11-1. Law-enforcement, safety and emergency worker funeral expense fund created.

- 1 There is created within the state treasury a special fund
- 2 known as the "law-enforcement, safety and emergency worker
- 3 funeral expense payment fund", into which there shall be

4 deposited such monies as from time to time may be appropri-
5 ated by the Legislature or received from other sources as may
6 be donated or otherwise provided for the fund. The fund shall
7 be administered by the secretary of military affairs and public
8 safety for the sole purpose of effecting the provisions of this
9 article.

**§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 shall,
2 upon written request, direct payment from the fund in the form
3 of a draft as provided in this article up to and including an
4 amount not exceeding eight thousand dollars for the reasonable
5 funeral expenses, including burial expenses, of a law-enforce-
6 ment, safety or emergency worker killed on or after the first day
7 of January, one thousand nine hundred ninety-nine, while
8 carrying out official duties: *Provided*, That no such funds shall
9 be expended for any funeral expense that is otherwise payable
10 pursuant to the provisions of article four, chapter twenty-three
11 of this code, as amended, or other benefit programs established
12 by a provision of this code which does not involve employee
13 participation: *Provided, however*, That where other funds for
14 funeral expenses are provided pursuant to the laws of this state,
15 from whatever source, which amount to less than eight thou-
16 sand dollars, funds provided by the provisions of this section
17 shall be expended so as to assure that at least eight thousand
18 dollars is available for reasonable funeral expenses. The
19 secretary shall direct payment of such funeral expenses upon
20 written request of an employer or head of a volunteer organiza-
21 tion, as is appropriate pursuant to this article, certifying that the
22 individual for whom funeral expenses are requested was killed
23 while performing official duties.

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

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

31 (1) Any duly authorized member of a law-enforcement
32 agency who is authorized to maintain public peace and order,
33 prevent and detect crime, make arrests and enforce the laws of
34 the state or any county or municipality thereof, other than
35 parking ordinances, and including those persons employed as
36 security officers at municipal, county, regional or state offices,
37 authorities or institutions, although their employers may not be
38 public law-enforcement agencies, employed by the Hatfield-
39 McCoy regional recreation authority and members of the West
40 Virginia national guard while engaged in active duty service:
41 *Provided*, That this section does not apply to those persons
42 employed by private security firms or agencies.

43 (2) Any state, regional, county or municipal correctional
44 officer.

45 (3) Any firefighter employed by the state or any political
46 subdivision of the state and any volunteer firefighter perform-
47 ing as a member of a volunteer fire department.

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

Enr. Com. Sub. for H. B. 2392] 4

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



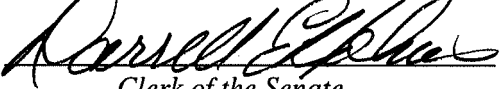
Chairman Senate Committee



Chairman House Committee

Originating in the House.

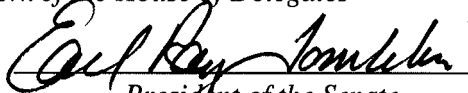
Takes effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

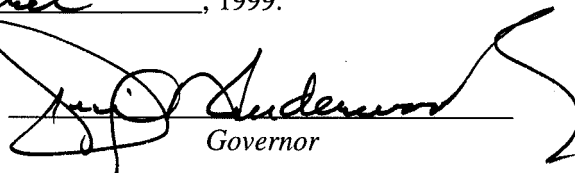


President of the Senate



Speaker of the House of Delegates

The within approved this the 24
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/5/99

Time 4:18 pm