WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2392

(By Mr. Speaker, Mr. Kiss, and Delegates Martin, Stempie, 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.

There is created within the state treasury a special fund known as the “law-enforcement, safety and emergency worker funeral expense payment fund”, into which there shall be
deposited such monies as from time to time may be appropri-
ated by the Legislature or received from other sources as may
be donated or otherwise provided for the fund. The fund shall
be administered by the secretary of military affairs and public
safety for the sole purpose of effecting the provisions of this
article.

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

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

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

(c) For the purposes of this section, “law-enforcement,
safety or emergency worker” means:
Any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and including those persons employed as security officers at municipal, county, regional or state offices, authorities or institutions, although their employers may not be public law-enforcement agencies, employed by the Hatfield-McCoy regional recreation authority and members of the West Virginia national guard while engaged in active duty service: Provided, That this section does not apply to those persons employed by private security firms or agencies.

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

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

(4) Any "emergency medical services personnel", as defined in section three, article four-c, chapter sixteen of this code, employed by or volunteering for any state agency or institution or political subdivision of the state.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Nancy Schommer  
Chairman Senate Committee

Joseph Brittle  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Dorcas McKeever  
Clerk of the Senate

Gerry Lewis  
Clerk of the House of Delegates

Earl Ray Tomblin  
President of the Senate

Victor L. Manly  
Speaker of the House of Delegates

The within approved this the day of , 1999.

A. Andrew Andeworth  
Governor