WEST VIRGINIA LEGISLATURE
REGULAR SESSION 2002

ENROLLED

SENATE BILL NO. 111

(By Senators [Names])

PASSED MARCH 9, 2002

In Effect NINETY DAYS FROM PASSAGE
ENROLLED

Senate Bill No. 111

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article two-a,
chapter fifteen of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to increasing
the benefits of surviving spouses of certain members of the
state police who die in the performance of duty.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-12. Awards and benefits to dependents of member -
When member dies in performance of duty, etc.; dependent child scholarship and amount.

1 The surviving spouse, the dependent child or children or
2 dependent parent or parents of any member who has lost
or shall lose his or her life by reason of injury, illness or
disease resulting from an occupational risk or hazard
inherent in or peculiar to the service required of members
while the member was or shall be engaged in the perfor-
mance of his or her duties as a member of the division, or
the survivor of a member who dies from any cause after
having been retired pursuant to the provisions of section
nine of this article, shall be entitled to receive and shall be
paid from the fund benefits as follows: To the surviving
spouse annually, in equal monthly installments during his
or her lifetime, one or the other of two amounts, which
shall become immediately available and which shall be the
greater of:

(1) An amount equal to seven tenths of the base salary
received in the preceding twelve-month employment
period by the deceased member: Provided, That if the
member had not been employed with the division for
twelve months prior to his or her death, the amount of
monthly salary shall be annualized for the purpose of
determining the benefit; or

(2) The sum of six thousand dollars.

In addition thereto, the surviving spouse shall be entitled
to receive and there shall be paid to such person one
hundred dollars monthly for each dependent child or
children. If the surviving spouse dies or if there is no
surviving spouse, there shall be paid monthly to each
dependent child or children from the fund a sum equal to
one fourth of the surviving spouse's entitlement. If there
is no surviving spouse and no dependent child or children,
there shall be paid annually in equal monthly installments
from the fund to the dependent parents of the deceased
member during their joint lifetimes a sum equal to the
amount which a surviving spouse, without children, would
have received: Provided, That when there is but one
dependent parent surviving, that parent is entitled to
receive during his or her lifetime one half the amount
which both parents, if living, would have been entitled to receive.

Any person qualifying as a surviving dependent child under this section shall, in addition to any other benefits due under this or other sections of this article, be entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding seven thousand five hundred dollars, shall be paid from the fund to any university or college in this state or to any trade or vocational school or other entity in this state approved by the board, to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of these institutions so long as the recipient makes application to the board on an approved form and under such rules as the board may provide and maintains scholastic eligibility as defined by the institution or the board. The board may by appropriate rules define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

Awards and benefits for a surviving spouse or dependents of a member received under any section or any of the provisions of this retirement system shall be in lieu of receipt of any benefits for these persons under the provisions of any other state retirement system. Receipt of benefits under any other state retirement system shall be in lieu of any right to receive any benefits under this retirement system, so that only a single receipt of state retirement benefits shall occur.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill is approved this the 29th Day of ... 2002.

Governor