

SB 111

FILED

2002 MAR 29 P 4: 22

WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*REGULAR SESSION, 2002*



**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**

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### Senate Bill No. 111

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

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

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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

3 or shall lose his or her life by reason of injury, illness or  
4 disease resulting from an occupational risk or hazard  
5 inherent in or peculiar to the service required of members  
6 while the member was or shall be engaged in the perfor-  
7 mance of his or her duties as a member of the division, or  
8 the survivor of a member who dies from any cause after  
9 having been retired pursuant to the provisions of section  
10 nine of this article, shall be entitled to receive and shall be  
11 paid from the fund benefits as follows: To the surviving  
12 spouse annually, in equal monthly installments during his  
13 or her lifetime, one or the other of two amounts, which  
14 shall become immediately available and which shall be the  
15 greater of:

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

23 (2) The sum of six thousand dollars.

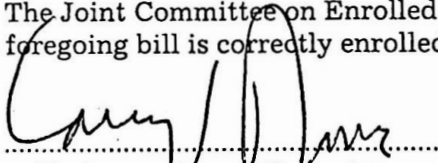
24 In addition thereto, the surviving spouse shall be entitled  
25 to receive and there shall be paid to such person one  
26 hundred dollars monthly for each dependent child or  
27 children. If the surviving spouse dies or if there is no  
28 surviving spouse, there shall be paid monthly to each  
29 dependent child or children from the fund a sum equal to  
30 one fourth of the surviving spouse's entitlement. If there  
31 is no surviving spouse and no dependent child or children,  
32 there shall be paid annually in equal monthly installments  
33 from the fund to the dependent parents of the deceased  
34 member during their joint lifetimes a sum equal to the  
35 amount which a surviving spouse, without children, would  
36 have received: *Provided*, That when there is but one  
37 dependent parent surviving, that parent is entitled to  
38 receive during his or her lifetime one half the amount

39 which both parents, if living, would have been entitled to  
40 receive.

41 Any person qualifying as a surviving dependent child  
42 under this section shall, in addition to any other benefits  
43 due under this or other sections of this article, be entitled  
44 to receive a scholarship to be applied to the career devel-  
45 opment education of that person. This sum, up to but not  
46 exceeding seven thousand five hundred dollars, shall be  
47 paid from the fund to any university or college in this state  
48 or to any trade or vocational school or other entity in this  
49 state approved by the board, to offset the expenses of  
50 tuition, room and board, books, fees or other costs in-  
51 curred in a course of study at any of these institutions so  
52 long as the recipient makes application to the board on an  
53 approved form and under such rules as the board may  
54 provide and maintains scholastic eligibility as defined by  
55 the institution or the board. The board may by appropri-  
56 ate rules define age requirements, physical and mental  
57 requirements, scholastic eligibility, disbursement methods,  
58 institutional qualifications and other requirements as  
59 necessary and not inconsistent with this section.

60 Awards and benefits for a surviving spouse or depend-  
61 ents of a member received under any section or any of the  
62 provisions of this retirement system shall be in lieu of  
63 receipt of any benefits for these persons under the provi-  
64 sions of any other state retirement system. Receipt of  
65 benefits under any other state retirement system shall be  
66 in lieu of any right to receive any benefits under this  
67 retirement system, so that only a single receipt of state  
68 retirement benefits shall occur.

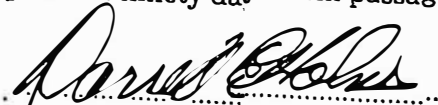
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
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Chairman Senate Committee

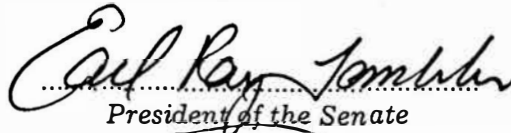
  
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Chairman House Committee

Originated in the Senate.

in effect ninety days from passage.

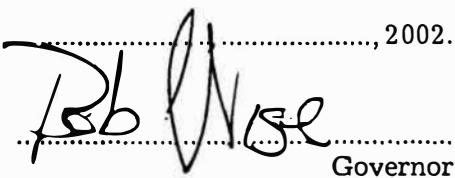
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 29<sup>th</sup>  
Day of March, 2002.

  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Page 3:057