WEST VIRGINIA LEGISLATURE
FOURTH EXTRAORDINARY SESSION, 2005

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ENROLLED

House Bill No. 403

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]

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Passed September 10, 2005

In Effect from Passage
ENROLLED

H. B. 403

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]

[Passed September 10, 2005; in effect from passage]

AN ACT to amend and reenact §15-2A-12 of the Code of West Virginia, 1931, as amended, relating to benefits to dependents of a state trooper who dies in performance of duties or dies after retirement due to service-related disability.

Be it enacted by the Legislature of West Virginia:

That §15-2A-12 of the Code of West Virginia, 1931, 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
3 shall lose his or her life by reason of injury, illness or disease
4 resulting from an occupational risk or hazard inherent in or
5 peculiar to the service required of members while the member
was engaged in the performance of his or her duties as a member of the Department, 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, is 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 nine 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 Department 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 ten thousand dollars.

In addition thereto, the surviving spouse is entitled to receive and there shall be paid to the person one hundred fifty 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 third 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, in addition to any other benefits due under this or
other sections of this article, is 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 rules provided by the Board, 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 provi-
sions of this retirement system are 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 is in lieu of any right to receive any
benefits under this retirement system, so that only a single
receipt of state retirement benefits occurs.

It is the intent of the Legislature that the levels of benefits
provided by operation of this section from the effective date of
the enactment of this section during the regular session of the
Legislature, two thousand five, be the same levels of benefits as
provided by this section as amended and reenacted during the
fourth extraordinary session of the Legislature, two thousand
five. Accordingly, the effective date of the operation of this
section as amended and reenacted during the fourth extraordi-
nary session of the Legislature, two thousand five, is expressly
made retrospective to the ninth day of April, two thousand five.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the 28th day of September, 2005.

[Signature]

Governor
PRESENTED TO THE GOVERNOR

Date 9/14/05
Time 4:25 PM