

FILED

2005 SEP 28 P 4: 19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FOURTH EXTRAORDINARY SESSION, 2005



ENROLLED

House Bill No. 403

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



Passed September 10, 2005

In Effect from Passage

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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

6 was engaged in the performance of his or her duties as a
7 member of the Department, or the survivor of a member who
8 dies from any cause after having been retired pursuant to the
9 provisions of section nine of this article, is entitled to receive
10 and shall be paid from the Fund benefits as follows: To the
11 surviving spouse annually, in equal monthly installments during
12 his or her lifetime, one or the other of two amounts, which shall
13 become immediately available and which shall be the greater
14 of:

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

21 (2) The sum of ten thousand dollars.

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

37 Any person qualifying as a surviving dependent child under
38 this section, in addition to any other benefits due under this or

39 other sections of this article, is entitled to receive a scholarship
40 to be applied to the career development education of that
41 person. This sum, up to but not exceeding seven thousand five
42 hundred dollars, shall be paid from the Fund to any university
43 or college in this state or to any trade or vocational school or
44 other entity in this state approved by the Board, to offset the
45 expenses of tuition, room and board, books, fees or other costs
46 incurred in a course of study at any of these institutions so long
47 as the recipient makes application to the Board on an approved
48 form and under rules provided by the Board, and maintains
49 scholastic eligibility as defined by the institution or the Board.
50 The Board may by appropriate rules define age requirements,
51 physical and mental requirements, scholastic eligibility,
52 disbursement methods, institutional qualifications and other
53 requirements as necessary and not inconsistent with this
54 section.

55 Awards and benefits for a surviving spouse or dependents
56 of a member received under any section or any of the provi-
57 sions of this retirement system are in lieu of receipt of any
58 benefits for these persons under the provisions of any other
59 state retirement system. Receipt of benefits under any other
60 state retirement system is in lieu of any right to receive any
61 benefits under this retirement system, so that only a single
62 receipt of state retirement benefits occurs.

63 It is the intent of the Legislature that the levels of benefits
64 provided by operation of this section from the effective date of
65 the enactment of this section during the regular session of the
66 Legislature, two thousand five, be the same levels of benefits as
67 provided by this section as amended and reenacted during the
68 fourth extraordinary session of the Legislature, two thousand
69 five. Accordingly, the effective date of the operation of this
70 section as amended and reenacted during the fourth extraordi-
71 nary session of the Legislature, two thousand five, is expressly
72 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.


Chairman Senate Committee

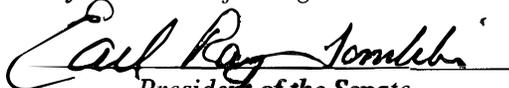

Chairman House Committee

Originating in the House.

In effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

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


Governor

**PRESENTED TO THE
GOVERNOR**

Date 9/16/05

Time 4:25 pm