

HB 2801 S
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2007 MAR 27 PM 5: 02

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2801**

(By Delegates Moye, Mahan, Kessler and Sumner)



Passed March 10, 2007

In Effect from Passage

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FOR

H. B. 2801

(BY DELEGATES MOYE, MAHAN, KESSLER AND SUMNER)

[Passed March 10, 2007; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §5H-1-1, §5H-1-2, and §5H-1-3, all relating to providing a death benefit to the families of firefighters and EMS personnel who are killed as a result of an injury arising out of and in the course of performance of official duties or arising out of any activity on or off duty in the capacity of a firefighter or EMS provider; establishing an effective date; and establishing the processes to get the death benefits and the funding source.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new chapter, designated §5H-1-1, §5H-1-2, and §5H-1-3, all to read as follows:

CHAPTER 5H. SURVIVOR BENEFITS.

**ARTICLE 1. WEST VIRGINIA FIRE AND EMS SURVIVOR
BENEFIT ACT.**

§5H-1-1. Title and legislative intent.

1 (a) This article is known as the “West Virginia Fire and
2 EMS Survivor Benefit Act.”

3 (b) It is the intent of the Legislature to provide for the
4 payment of death benefits to the surviving spouse, designated
5 beneficiary, children or parents of firefighters and EMS
6 personnel killed in the performance of their duties.

§5H-1-2. Death benefit for survivors.

1 (a) In the event a firefighter or EMS provider is killed in
2 the performance of his or her duties, the department chief,
3 within thirty days from the date of death shall submit
4 certification of the death to the Governor’s office.

5 (b) This act includes both paid and volunteer fire and
6 EMS personnel acting in the performance of his or her duties
7 of any fire or EMS department certified by the State of West
8 Virginia.

9 (c) A firefighter or EMS provider is considered to be
10 acting in the performance of his or her duties for the purposes
11 of this act when he or she is participating in any role of a fire
12 or EMS department function. This includes training,
13 administration meetings, fire or EMS incidents, service calls,
14 apparatus, equipment or station maintenance, fundraisers and
15 travel to or from such functions.

16 (d) Travel includes riding upon any apparatus which is
17 owned or used by the fire or EMS department, or any other
18 vehicle going to or directly returning from a firefighter’s
19 home, place of business or other place where he or she shall
20 have been prior to participating in a fire or EMS department
21 function or upon the authorization of the chief of the
22 department or other person in charge.

23 (c) Certification shall include the name of the certified
24 fire or EMS program, the name of the deceased firefighter or
25 EMS provider, the name and address of the beneficiary and
26 the circumstances that qualify the deceased individual for
27 death benefits under this act. Upon receipt of the
28 certification from the certified fire or EMS program, the state
29 shall, from moneys from the State Treasury, General Fund,
30 pay to the certified fire or EMS program the sum of fifty
31 thousand dollars in the name of the beneficiary of the death
32 benefit. Within five days of receipt of this sum from the
33 state, the fire or EMS program certified by the state shall pay
34 the sum as a benefit to the surviving spouse, or designated
35 beneficiary. If there is no surviving spouse or designated
36 beneficiary, to the minor children of the firefighter or EMS
37 provider killed in the performance of duty. When no spouse,
38 designated beneficiary, or minor children survive, the benefit
39 shall be paid to the parent or parents of the firefighter or EMS
40 provider. It is the responsibility of the certified fire or EMS
41 program to document the surviving spouse or beneficiary for
42 purposes of reporting to the Governor's office.

43 (f) Any death ruled by a physician to be a result of an
44 injury sustained during any of the above mentioned
45 performance of fire department duties will be eligible for this
46 benefit, even if this death occurs at a later time.

47 (g) Those individuals who are both fire fighters and EMS
48 personnel are eligible for only one death benefit payment.

§5H-1-3. Effective Date

1 The effective date for this act is the first day of January,
2 two thousand seven.

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



Chairman Senate Committee



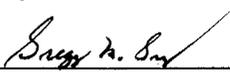
Chairman House Committee

Originating in the House.

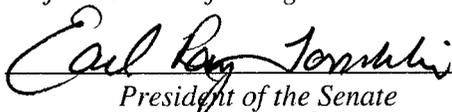
In effect from passage.



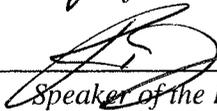
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 27th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2007

Time

3:50 pm