

HB 4349

FILED

2014 MAR 31 P 8:08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4349

(By Delegates Pethtel, Jones, Canterbury,
Kump, Craig, Lynch and Ellem)



Passed March 8, 2014

In effect ninety days from passage.

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FOR

H. B. 4349

(BY DELEGATES PETHTEL, JONES, CANTERBURY,
KUMP, CRAIG, LYNCH AND ELLEM)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §5-10-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-20 and §7-14D-21 of said code; to amend and reenact §8-22A-22 and §8-22A-23 of said code; to amend and reenact §15-2-33 of said code; to amend and reenact §15-2A-12 of said code; and to amend and reenact §16-5V-25 and §16-5V-26 of said code, all relating to retirement burial and scholarship benefits awarded on behalf of deceased uniformed service officers as it relates to the distribution of marital property under a Qualified Domestic Relations Order.

Be it enacted by the Legislature of West Virginia:

That §5-10-27 of the Code of West Virginia, be amended and reenacted; that §7-14D-20 and §7-14D-21 of said code be amended and reenacted; that §8-22A-22 and §8-22A-23 of said code be amended and reenacted; that §15-2-33 of said code be amended and reenacted; that

80 : §15-2A-12 of said code be amended and reenacted; and that §16-5V-25
and §16-5V-26 of said code be amended and reenacted, all to read as
follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES,
PROGRAMS, ETC.**

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-27. Preretirement death annuities.

1 (a) (1) Except as otherwise provided in this section, in the
2 event any member who has ten or more years of credited service
3 or any former member with ten or more years of credited service
4 and who is entitled to a deferred annuity, pursuant to section
5 twenty-one of this article, may at any time prior to the effective
6 date of his or her retirement, by written declaration duly
7 executed and filed with the board of trustees, in the same manner
8 as if he or she were then retiring from the employ of a
9 participating public employer, elect option A provided in section
10 twenty-four of this article and nominate a beneficiary whom the
11 board finds to have had an insurable interest in the life of the
12 member. Prior to the effective date of his or her retirement, a
13 member may revoke his or her election of option A and
14 nomination of beneficiary and he or she may again prior to his
15 or her retirement elect option A and nominate a beneficiary as
16 provided in this subsection. Upon the death of a member who
17 has an option A election in force, his or her beneficiary, if living,
18 shall immediately receive an annuity computed in the same
19 manner in all respects as if the same member had retired the day
20 preceding the date of his or her death, notwithstanding that he or
21 she might not have attained age sixty years, and elected the said
22 option A. If at the time of his or her retirement a member has an
23 option A election in force, his or her election of option A and
24 nomination of beneficiary shall thereafter continue in force. As

25 an alternative to annuity option A, a member or former member
26 may elect to have the preretirement death benefit paid as a return
27 of accumulated contributions in a lump sum amount to any
28 beneficiary or beneficiaries he or she chooses.

29 (2) In the event any member or former member, who first
30 became a member of the Public Employees Retirement System
31 after the effective date of amendments made to this section
32 during the 2006 regular legislative session and who has ten or
33 more years of credited service and who is entitled to a deferred
34 annuity, pursuant to section twenty-one of this article: Dies
35 without leaving a surviving spouse; but leaves surviving him or
36 her a child who is financially dependent on the member by virtue
37 of a permanent mental or physical disability upon evidence
38 satisfactory to the board; and has named the disabled child as
39 sole beneficiary, the disabled child shall immediately receive an
40 annuity computed in the same manner in all respects as if the
41 member had: (A) Retired the day preceding the date of his or her
42 death, notwithstanding that he or she might not have attained age
43 sixty or sixty-two years, as the case may be; (B) elected option
44 A provided in section twenty-four of this article; and (C)
45 nominated his or her disabled child as beneficiary. A member or
46 former member with ten or more years of credited service, who
47 does not leave surviving him or her a spouse or a disabled child,
48 may elect to have the preretirement death benefit paid as a return
49 of accumulated contributions in a lump sum amount to any
50 beneficiary or beneficiaries he or she chooses.

51 (b)(1) In the event any member who has ten or more years of
52 credited service, or any former member with ten or more years
53 of credited service and who is entitled to a deferred annuity,
54 pursuant to section twenty-one of this article: Dies; and leaves a
55 surviving spouse, the surviving spouse shall immediately receive
56 an annuity computed in the same manner in all respects as if the
57 member had: (A) Retired the day preceding the date of his or her
58 death, notwithstanding that he or she might not have attained age
59 sixty or sixty-two years, as the case may be; (B) elected option

60 A provided in section twenty-four of this article; and (C)
61 nominated his or her surviving spouse as beneficiary. However,
62 the surviving spouse shall have the right to waive the annuity
63 provided in this section: *Provided*, That he or she executes a
64 valid and notarized waiver on a form provided by the board and
65 that the member or former member attests to the waiver. If the
66 waiver is presented to and accepted by the board, the member or
67 former member, may nominate a beneficiary who has an
68 insurable interest in the member's or former member's life. As
69 an alternative to annuity option A, the member or former
70 member may elect to have the preretirement death benefit paid
71 as a return of accumulated contributions in a lump sum amount
72 to any beneficiary or beneficiaries he or she chooses in the event
73 a waiver, as provided in this section, has been presented to and
74 accepted by the board.

75 (2) Whenever any member or former member who first
76 became a member of the retirement system after the effective
77 date of the amendments to this section made during the 2006
78 regular legislative session and who has ten or more years of
79 credited service and who is entitled to a deferred annuity,
80 pursuant to section twenty-one of this article, dies and leaves a
81 surviving spouse, the surviving spouse shall immediately receive
82 an annuity computed in the same manner in all respects as if the
83 member had: (A) Retired the day preceding the date of his or her
84 death, notwithstanding that he or she might not have attained age
85 sixty or sixty-two years, as the case may be; (B) elected option
86 A provided in section twenty-four of this article; and (C)
87 nominated his or her surviving spouse as beneficiary. However,
88 the surviving spouse shall have the right to waive the annuity
89 provided in this section: *Provided*, That he or she executes a
90 valid and notarized waiver on a form provided by the board and
91 that the member or former member attests to the waiver. If the
92 waiver is presented to and accepted by the board, the member or
93 former member may: (1) Elect to have the preretirement death
94 benefit paid in a lump sum amount, rather than annuity option A
95 provided in section twenty-four of this article, as a return of

96 accumulated contributions to any beneficiary or beneficiaries he
97 or she chooses; or (2) may name his or her surviving child, who
98 is financially dependent on the member by virtue of a permanent
99 mental or physical disability, as his or her sole beneficiary to
100 receive an annuity computed in the same manner in all respects
101 as if the member had: (A) Retired the day preceding the date of
102 his or her death, notwithstanding that he or she might not have
103 attained the age of sixty or sixty-two as the case may be; (B)
104 elected option A provided in section twenty-four of this article;
105 and (C) nominated his or her disabled child as beneficiary.

106 (c) In the event any member who has ten or more years of
107 credited service or any former member with ten or more years of
108 credited service and who is entitled to a deferred annuity,
109 pursuant to section twenty-one of this article: (1) Dies without
110 leaving surviving him or her a spouse; but (2) leaves surviving
111 him or her an infant child or children; and (3) does not have a
112 beneficiary nominated as provided in subsection (a) of this
113 section, the infant child or children are entitled to an annuity to
114 be calculated as follows: The annuity reserve shall be calculated
115 as though the member had retired as of the date of his or her
116 decease and elected a straight life annuity and the amount of the
117 annuity reserve shall be paid in equal monthly installments to the
118 member's infant child or children until the child or children
119 attain age twenty-one or sooner marry or become emancipated;
120 however, in no event shall any child or children receive more
121 than \$250 per month each. The annuity payments shall be
122 computed as of the date of the death of the member and the
123 amount of the annuity shall remain constant during the period of
124 payment. The annual amount of the annuities payable by this
125 section shall not exceed sixty percent of the deceased member's
126 final average salary.

127 (d) In the event any member or former member does not
128 have ten or more years of credited service, no preretirement
129 death annuity may be authorized, owed or awarded under this
130 section, except as provided in subdivision (4), subsection (a),

131 section fifteen of this article as amended during the 2005 regular
132 session of the Legislature.

133 (e) Any person qualified as a surviving dependent child
134 under this section, who is the surviving dependent child of a law-
135 enforcement officer who loses his or her life in the performance
136 of duty, in addition to any other benefits due under this or other
137 sections of this article is entitled to receive a scholarship to be
138 applied to the career development education of that person. This
139 sum, up to but not exceeding \$7,500 per year, shall be paid from
140 the fund to any higher education institution in this state, career-
141 technical education provider in this state or other entity in this
142 state approved by the board, to offset the expenses of tuition,
143 room and board, books, fees or other costs incurred in a course
144 of study at any of those institutions so long as the recipient
145 makes application to the board on an approved form and under
146 rules as provided by the board and maintains scholastic
147 eligibility as defined by the institution or the board. The board
148 may by appropriate rules define age requirements, physical and
149 mental requirements, scholastic eligibility, disbursement
150 methods, institutional qualifications and other requirements as
151 necessary and not inconsistent with this section. Scholarship
152 benefits awarded pursuant to this subsection are not subject to
153 division or payable to an alternate payee by any Qualified
154 Domestic Relations Order.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-20. Additional death benefits and scholarships - Dependent children.

1 (a) In addition to the spouse death benefits in sections
2 eighteen and nineteen of this article, the surviving spouse is
3 entitled to receive and there shall be paid to the spouse \$100
4 monthly for each dependent child.

5 (b) If the surviving spouse dies or if there is no surviving
6 spouse, the fund shall pay monthly to each dependent child a
7 sum equal to one fourth of the surviving spouse's entitlement
8 under either section eighteen or nineteen of this article. If there
9 is neither a surviving spouse nor a dependent child, the fund
10 shall pay in equal monthly installments to the dependent parents
11 of the deceased member during their joint lifetimes a sum equal
12 to the amount which a surviving spouse, without children, would
13 have received: *Provided*, That when there is only one dependent
14 parent surviving, that parent is entitled to receive during his or
15 her lifetime one-half the amount which both parents, if living,
16 would have been entitled to receive: *Provided, however*, That if
17 there is no surviving spouse, dependent child nor dependent
18 parent of the deceased member the accumulated contributions
19 shall be paid to a named beneficiary or beneficiaries: *Provided*
20 *further*, That if there is no surviving spouse, dependent child, nor
21 dependent parent of the deceased member, nor any named
22 beneficiary or beneficiaries then the accumulated contributions
23 shall be paid to the estate of the deceased member.

24 (c) Any person qualifying as a dependent child under this
25 section, in addition to any other benefits due under this or other
26 sections of this article, is entitled to receive a scholarship to be
27 applied to the career development education of that person. This
28 sum, up to but not exceeding \$7,500 per year, shall be paid from
29 the fund to any higher education institution in this state,
30 career-technical education provider in this state or other entity in
31 this state approved by the board, to offset the expenses of tuition,
32 room and board, books, fees or other costs incurred in a course
33 of study at any of these institutions so long as the recipient
34 makes application to the board on an approved form and under
35 such rules as the board may provide, and maintains scholastic
36 eligibility as defined by the institution or the board. The board
37 may propose legislative rules for promulgation in accordance
38 with article three, chapter twenty-nine-a of this code which
39 define age requirements, physical and mental requirements,
40 scholastic eligibility, disbursement methods, institutional

41 qualifications and other requirements as necessary and not
42 inconsistent with this section. Scholarship benefits awarded
43 pursuant to this subsection are not subject to division or payable
44 to an alternate payee by any Qualified Domestic Relations Order.

§7-14D-21. Burial benefit.

1 Any member who dies as a result of any service related
2 illness or injury after the effective date is entitled to a lump sum
3 burial benefit of five thousand dollars. If the member is married,
4 the burial benefit shall be paid to the member's spouse. If the
5 member is not married, the burial benefit shall be paid to the
6 member's estate for the purposes of paying burial expenses,
7 settling the member's final affairs, or both. Any unspent balance
8 shall be distributed as a part of the member's estate. Burial
9 benefits awarded pursuant to this section are not subject to
10 division or payable to an alternate payee by any Qualified
11 Domestic Relations Order.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND
FIREFIGHTERS RETIREMENT SYSTEM.**

**§8-22A-22. Additional death benefits and scholarships - Dependent
children.**

1 (a) Except as provided in subsection (a), section nine of this
2 article, in addition to the spouse death benefits in this article, the
3 surviving spouse is entitled to receive and there shall be paid to
4 the spouse \$100 monthly for each dependent child.

5 (b) If the surviving spouse dies or if there is no surviving
6 spouse, the fund shall pay monthly to each dependent child a
7 sum equal to one hundred percent of the spouse's entitlement
8 under this article divided by the number of dependent children.
9 If there is neither a surviving spouse nor a dependent child, the
10 fund shall pay in equal monthly installments to the dependent

11 parents of the deceased member during their joint lifetimes a
12 sum equal to the amount which a surviving spouse, without
13 children, would have received: *Provided*, That when there is
14 only one dependent parent surviving, that parent is entitled to
15 receive during his or her lifetime one-half the amount which
16 both parents, if living, would have been entitled to receive:
17 *Provided, however*, That if there is no surviving spouse,
18 dependent child or dependent parent of the deceased member,
19 the accumulated contributions shall be paid to a named
20 beneficiary or beneficiaries: *Provided further*, That if there is no
21 surviving spouse, dependent child or dependent parent of the
22 deceased member, or any named beneficiary or beneficiaries,
23 then the accumulated contributions shall be paid to the estate of
24 the deceased member.

25 (c) Any person qualifying as a dependent child under this
26 section, in addition to any other benefits due under this or other
27 sections of this article, is entitled to receive a scholarship to be
28 applied to the career development education of that person. This
29 sum, up to but not exceeding \$7,500 per year, shall be paid from
30 the fund to any higher education institution in this state,
31 career-technical education provider in this state or other entity in
32 this state approved by the board, to offset the expenses of tuition,
33 room and board, books, fees or other costs incurred in a course
34 of study at any of these institutions so long as the recipient
35 makes application to the board on an approved form and under
36 rules provided by the board and maintains scholastic eligibility
37 as defined by the institution or the board. The board may propose
38 legislative rules for promulgation in accordance with article
39 three, chapter twenty-nine-a of this code which define age
40 requirements, physical and mental requirements, scholastic
41 eligibility, disbursement methods, institutional qualifications and
42 other requirements as necessary and not inconsistent with this
43 section. Scholarship benefits awarded pursuant to this subsection
44 are not subject to division or payable to an alternate payee by
45 any Qualified Domestic Relations Order.

§8-22A-23. Burial benefit.

1 Except as provided in subsection (a), section nine of this
2 article, any member who dies as a result of any service-related
3 illness or injury after the effective date is entitled to a lump sum
4 burial benefit of \$5,000. If the member is married, the burial
5 benefit shall be paid to the member's spouse. If the member is
6 not married, the burial benefit shall be paid to the member's
7 estate for the purposes of paying burial expenses, settling the
8 member's final affairs, or both. Burial benefits awarded pursuant
9 to this section are not subject to division or payable to an
10 alternate payee by any Qualified Domestic Relations Order.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-33. Awards and benefits to dependents of member when the member dies in performance of duty; to dependents of a duty disability retiree; dependent child scholarship and amount.

1 (a) The surviving spouse or the dependent child or children
2 or dependent parent or parents of any member who has lost or
3 loses 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 employees while the member
6 was or is engaged in the performance of his or her duties as an
7 employee of the agency, or if a retiree dies from any cause after
8 having been retired pursuant to the provisions of section
9 twenty-nine of this article, the surviving spouse or other
10 dependent is entitled to receive and shall be paid from the fund
11 benefits as follows: To the surviving spouse annually, in equal
12 monthly installments during his or her lifetime the greater of one
13 or the other of two amounts:

14 (1) An amount equal to five and one-half percent of the total
15 salary which was or would have been earned by the deceased

16 member or duty disability retirant during twenty-five years of
17 service based on the average earnings of the member or duty
18 disability retirant while employed by the agency; or

19 (2) The sum of \$6,000.

20 (b) In addition, the surviving spouse is entitled to receive
21 and shall be paid \$100 monthly for each dependent child or
22 children. If the surviving spouse dies or if there is no surviving
23 spouse, there shall be paid monthly to each dependent child or
24 children from the fund a sum equal to twenty-five percent of the
25 surviving spouse's entitlement. If there is no surviving spouse
26 and no dependent child or children, there shall be paid annually
27 in equal monthly installments from the fund to the dependent
28 parents of the deceased member or retirant during their joint
29 lifetimes a sum equal to the amount which a surviving spouse,
30 without children, would have received: *Provided*, That when
31 there is one dependent parent surviving, that parent is entitled to
32 receive during his or her lifetime one-half the amount which
33 both parents, if living, would have been entitled to receive.

34 (c) Any person qualified as a surviving dependent child
35 under this section, in addition to any other benefits due under
36 this or other sections of this article, is entitled to receive a
37 scholarship to be applied to the career development education of
38 that person. This sum, up to but not exceeding \$7,500 per year,
39 shall be paid from the fund to any higher education institution in
40 this state, career-technical education provider in this state or
41 other entity in this state approved by the board, to offset the
42 expenses of tuition, room and board, books, fees or other costs
43 incurred in a course of study at any of those institutions so long
44 as the recipient makes application to the board on an approved
45 form and under rules as provided by the board and maintains
46 scholastic eligibility as defined by the institution or the board.
47 The board may, by appropriate rules, define age requirements,
48 physical and mental requirements, scholastic eligibility,
49 disbursement methods, institutional qualifications and other

50 requirements as necessary and not inconsistent with this section.
51 Scholarship benefits awarded pursuant to this subsection are not
52 subject to division or payable to an alternate payee by any
53 Qualified Domestic Relations Order.

54 (d) A surviving spouse or dependent of an employee meeting
55 the requirements of this section is entitled to receive beneficiary
56 payments on the first day following the date the deceased
57 employee is removed from payroll by the agency. A surviving
58 spouse or dependent of a member who is not currently an
59 employee meeting the requirements of this section is entitled to
60 receive beneficiary payments on the first day following the date
61 of the deceased member's death. A surviving spouse or
62 dependent of a retirant meeting the requirements of this section
63 is entitled to receive beneficiary payments on the first day of the
64 month following the date of the deceased retirant's death. Upon
65 receipt of properly executed forms from the agency and the
66 surviving spouse or dependent, the board shall process the
67 surviving spouse or dependent benefit as soon as
68 administratively feasible.

69 (e) For the purposes of this section, the term "salary" does
70 not include any compensation paid for overtime service.

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

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

1 (a) The surviving spouse, the dependent child or children or
2 dependent parent or parents of any employee 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 employees while the employee
6 was engaged in the performance of his or her duties as an
7 employee of the agency, or the survivor of a retirant who dies
8 from any cause after having been retired pursuant to the

9 provisions of section nine of this article, is entitled to receive and
10 shall be paid from the fund benefits as follows: To the surviving
11 spouse annually, in equal monthly installments during his or her
12 lifetime, one or the other of two amounts, which shall become
13 payable the first day of the month following the employee's or
14 retirant's death and which shall be the greater of:

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

21 (2) The sum of \$10,000.

22 (b) In addition, the surviving spouse is entitled to receive
23 and shall be paid \$150 monthly for each dependent child. If the
24 surviving spouse dies or if there is no surviving spouse, there
25 shall be paid monthly to each dependent child or children from
26 the fund a sum equal to one third of the surviving spouse's
27 entitlement. If there is no surviving spouse and no dependent
28 child or children, there shall be paid annually in equal monthly
29 installments from the fund to the dependent parents of the
30 deceased member during their joint lifetimes a sum equal to the
31 amount which a surviving spouse, without children, would have
32 received: *Provided*, That when there is one dependent parent
33 surviving, that parent is entitled to receive during his or her
34 lifetime one-half the amount which both parents, if living, would
35 have been entitled to receive: *Provided, however*, That if there
36 is no surviving spouse, dependent child or dependent parent of
37 the deceased member, the accumulated contributions shall be
38 paid to a named beneficiary or beneficiaries: *Provided further*,
39 That if there is no surviving spouse, dependent child, dependent
40 parent of the deceased member or any named beneficiary or
41 beneficiaries, then the accumulated contributions shall be paid
42 to the estate of the deceased member.

43 (c) Any person qualifying as a surviving dependent child
44 under this section, in addition to any other benefits due under
45 this or other sections of this article, is entitled to receive a
46 scholarship to be applied to the career development education of
47 that person. This sum, up to but not exceeding \$7,500 per year,
48 shall be paid from the fund to any higher education institution in
49 this state, career-technical education provider in this state or
50 other entity in this state approved by the board to offset the
51 expenses of tuition, room and board, books, fees or other costs
52 incurred in a course of study at any of these institutions as long
53 as the recipient makes application to the board on an approved
54 form and under rules provided by the board and maintains
55 scholastic eligibility as defined by the institution or the board.
56 The board may by appropriate rules define age requirements,
57 physical and mental requirements, scholastic eligibility,
58 disbursement methods, institutional qualifications and other
59 requirements as necessary and not inconsistent with this section.
60 Scholarship benefits awarded pursuant to this subsection are not
61 subject to division or payable to an alternate payee by any
62 Qualified Domestic Relations Order.

63 (d) A surviving spouse or dependent of an employee meeting
64 the requirements of this section is entitled to receive beneficiary
65 payments on the first day of the month following the date the
66 deceased member is removed from payroll by the agency. A
67 surviving spouse or dependent of a member who is not currently
68 an employee meeting the requirements of this section is entitled
69 to receive beneficiary payments on the first day of the month
70 following the date of the deceased member's death. A surviving
71 spouse or dependent of a retirant meeting the requirements of
72 this section is entitled to receive beneficiary payments on the
73 first day of the month following the date of the deceased
74 retirant's death. Upon receipt of properly executed forms from
75 the agency and surviving spouse or dependent, the board shall
76 process the surviving spouse or dependent benefit as soon as
77 administratively feasible.

78 (e) It is the intent of the Legislature that the levels of
79 benefits provided by operation of this section from the effective
80 date of the enactment of this section during the regular session
81 of the Legislature, 2005, be the same levels of benefits as
82 provided by this section as amended and reenacted during the
83 fourth extraordinary session of the Legislature, 2005.
84 Accordingly, the effective date of the operation of this section as
85 amended and reenacted during the fourth extraordinary session
86 of the Legislature, 2005, is expressly made retrospective to April
87 9, 2005.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.

§16-5V-25. Additional death benefits and scholarships — Dependent children.

1 (a) In addition to the spouse death benefits in this article, the
2 surviving spouse is entitled to receive and there shall be paid to
3 the spouse \$100 monthly for each dependent child.

4 (b) If the surviving spouse dies or if there is no surviving
5 spouse, the fund shall pay monthly to each dependent child a
6 sum equal to one hundred percent of the spouse's entitlement
7 under this article divided by the number of dependent children.
8 If there is neither a surviving spouse nor a dependent child, the
9 fund shall pay in equal monthly installments to the dependent
10 parents of the deceased member during their joint lifetimes a
11 sum equal to the amount which a surviving spouse, without
12 children, would have received: *Provided*, That when there is
13 only one dependent parent surviving, that parent is entitled to
14 receive during his or her lifetime one-half the amount which
15 both parents, if living, would have been entitled to receive:
16 *Provided, however*, That if there is no surviving spouse,
17 dependent child or dependent parent of the deceased member,
18 the accumulated contributions shall be paid to a named

19 beneficiary or beneficiaries: *Provided further*, That if there is no
20 surviving spouse, dependent child or dependent parent of the
21 deceased member, or any named beneficiary or beneficiaries,
22 then the accumulated contributions shall be paid to the estate of
23 the deceased member.

24 (c) Any person qualifying as a dependent child under this
25 section, in addition to any other benefits due under this or other
26 sections of this article, is entitled to receive a scholarship to be
27 applied to the career development education of that person. This
28 sum, up to but not exceeding \$6,000 per year, shall be paid from
29 the fund to any university or college in this state or to any trade
30 or vocational school or other entity in this state approved by the
31 board to offset the expenses of tuition, room and board, books,
32 fees or other costs incurred in a course of study at any of these
33 institutions so long as the recipient makes application to the
34 board on an approved form and under rules provided by the
35 board and maintains scholastic eligibility as defined by the
36 institution or the board. The board may propose legislative rules
37 for promulgation in accordance with article three, chapter
38 twenty-nine-a of this code which define age requirements,
39 physical and mental requirements, scholastic eligibility,
40 disbursement methods, institutional qualifications and other
41 requirements as necessary and not inconsistent with this section.
42 Scholarship benefits awarded pursuant to this subsection are not
43 subject to division or payable to an alternate payee by any
44 Qualified Domestic Relations Order.

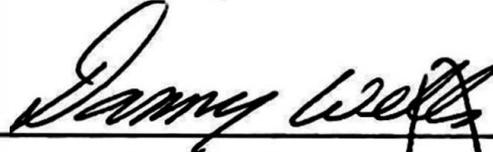
§16-5V-26. Burial benefit.

1 Any member who dies as a result of any service related
2 illness or injury after the effective date is entitled to a lump sum
3 burial benefit of \$5,000. If the member is married, the burial
4 benefit shall be paid to the member's spouse. If the member is
5 not married, the burial benefit shall be paid to the member's
6 estate for the purposes of paying burial expenses, settling the
7 member's final affairs, or both. Burial benefits awarded pursuant

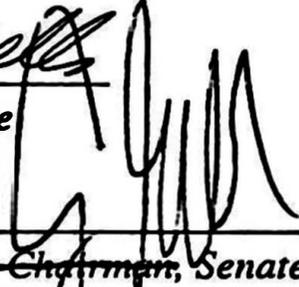
17 [Enr. Com. Sub. For H. B. No. 4349

8 to this section are not subject to division or payable to an
9 alternate payee by any Qualified Domestic Relations Order.

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



Chairman, House Committee



Member

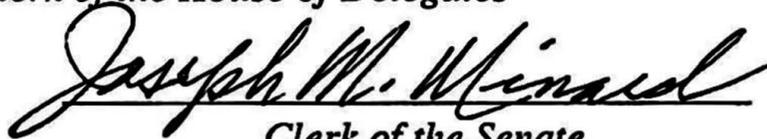
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.



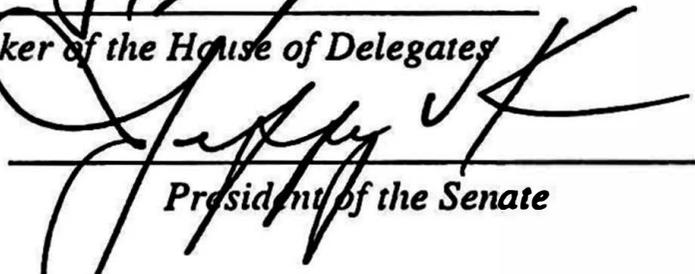
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 31st
day of March, 2014.



Governor

PRESENTED TO THE GOVERNOR

MAR 28 2014

Time 10:45 am