

1 reenacted; that §15-2-33 of said code be amended and reenacted;
2 that §15-2A-12 of said code be amended and reenacted; and that
3 §16-5V-25 and §16-5V-26 of said code be amended and reenacted, all
4 to read as follows:

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

8 **ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.**

9 **§5-10-27. Preretirement death annuities.**

10 a) (1) Except as otherwise provided in this section, in the
11 event any member who has ten or more years of credited service or
12 any former member with ten or more years of credited service and
13 who is entitled to a deferred annuity, pursuant to section twenty-
14 one of this article, may at any time prior to the effective date of
15 his or her retirement, by written declaration duly executed and
16 filed with the board of trustees, in the same manner as if he or
17 she were then retiring from the employ of a participating public
18 employer, elect option A provided in section twenty-four of this
19 article and nominate a beneficiary whom the board finds to have had
20 an insurable interest in the life of the member. Prior to the
21 effective date of his or her retirement, a member may revoke his or
22 her election of option A and nomination of beneficiary and he or

1 she may again prior to his or her retirement elect option A and
2 nominate a beneficiary as provided in this subsection. Upon the
3 death of a member who has an option A election in force, his or her
4 beneficiary, if living, shall immediately receive an annuity
5 computed in the same manner in all respects as if the same member
6 had retired the day preceding the date of his or her death,
7 notwithstanding that he or she might not have attained age sixty
8 years, and elected the said option A. If at the time of his or her
9 retirement a member has an option A election in force, his or her
10 election of option A and nomination of beneficiary shall thereafter
11 continue in force. As an alternative to annuity option A, a member
12 or former member may elect to have the preretirement death benefit
13 paid as a return of accumulated contributions in a lump sum amount
14 to any beneficiary or beneficiaries he or she chooses.

15 (2) In the event any member or former member, who first became
16 a member of the Public Employees Retirement System after the
17 effective date of amendments made to this section during the 2006
18 regular legislative session and who has ten or more years of
19 credited service and who is entitled to a deferred annuity,
20 pursuant to section twenty-one of this article: Dies without
21 leaving a surviving spouse; but leaves surviving him or her a child
22 who is financially dependent on the member by virtue of a permanent
23 mental or physical disability upon evidence satisfactory to the

1 board; and has named the disabled child as sole beneficiary, the
2 disabled child shall immediately receive an annuity computed in the
3 same manner in all respects as if the member had: (A) Retired the
4 day preceding the date of his or her death, notwithstanding that he
5 or she might not have attained age sixty or sixty-two years, as the
6 case may be; (B) elected option A provided in section twenty-four
7 of this article; and (C) nominated his or her disabled child as
8 beneficiary. A member or former member with ten or more years of
9 credited service, who does not leave surviving him or her a spouse
10 or a disabled child, may elect to have the preretirement death
11 benefit paid as a return of accumulated contributions in a lump sum
12 amount to any beneficiary or beneficiaries he or she chooses.

13 (b)(1) In the event any member who has ten or more years of
14 credited service, or any former member with ten or more years of
15 credited service and who is entitled to a deferred annuity,
16 pursuant to section twenty-one of this article: Dies; and leaves a
17 surviving spouse, the surviving spouse shall immediately receive an
18 annuity computed in the same manner in all respects as if the
19 member had: (A) Retired the day preceding the date of his or her
20 death, notwithstanding that he or she might not have attained age
21 sixty or sixty-two years, as the case may be; (B) elected option A
22 provided in section twenty-four of this article; and (C) nominated
23 his or her surviving spouse as beneficiary. However, the surviving

1 spouse shall have the right to waive the annuity provided in this
2 section: Provided, That he or she executes a valid and notarized
3 waiver on a form provided by the board and that the member or
4 former member attests to the waiver. If the waiver is presented to
5 and accepted by the board, the member or former member, may
6 nominate a beneficiary who has an insurable interest in the
7 member's or former member's life. As an alternative to annuity
8 option A, the member or former member may elect to have the
9 preretirement death benefit paid as a return of accumulated
10 contributions in a lump sum amount to any beneficiary or
11 beneficiaries he or she chooses in the event a waiver, as provided
12 in this section, has been presented to and accepted by the board.

13 (2) Whenever any member or former member who first became a
14 member of the retirement system after the effective date of the
15 amendments to this section made during the 2006 regular legislative
16 session and who has ten or more years of credited service and who
17 is entitled to a deferred annuity, pursuant to section twenty-one
18 of this article, dies and leaves a surviving spouse, the surviving
19 spouse shall immediately receive an annuity computed in the same
20 manner in all respects as if the member had: (A) Retired the day
21 preceding the date of his or her death, notwithstanding that he or
22 she might not have attained age sixty or sixty-two years, as the
23 case may be; (B) elected option A provided in section twenty-four

1 of this article; and (C) nominated his or her surviving spouse as
2 beneficiary. However, the surviving spouse shall have the right to
3 waive the annuity provided in this section: *Provided*, That he or
4 she executes a valid and notarized waiver on a form provided by the
5 board and that the member or former member attests to the waiver.
6 If the waiver is presented to and accepted by the board, the member
7 or former member may: (1) Elect to have the preretirement death
8 benefit paid in a lump sum amount, rather than annuity option A
9 provided in section twenty-four of this article, as a return of
10 accumulated contributions to any beneficiary or beneficiaries he or
11 she chooses; or (2) may name his or her surviving child, who is
12 financially dependent on the member by virtue of a permanent mental
13 or physical disability, as his or her sole beneficiary to receive
14 an annuity computed in the same manner in all respects as if the
15 member had: (A) Retired the day preceding the date of his or her
16 death, notwithstanding that he or she might not have attained the
17 age of sixty or sixty-two as the case may be; (B) elected option A
18 provided in section twenty-four of this article; and (C) nominated
19 his or her disabled child as beneficiary.

20 (c) In the event any member who has ten or more years of
21 credited service or any former member with ten or more years of
22 credited service and who is entitled to a deferred annuity,
23 pursuant to section twenty-one of this article: (1) Dies without

1 leaving surviving him or her a spouse; but (2) leaves surviving him
2 or her an infant child or children; and (3) does not have a
3 beneficiary nominated as provided in subsection (a) of this
4 section, the infant child or children are entitled to an annuity to
5 be calculated as follows: The annuity reserve shall be calculated
6 as though the member had retired as of the date of his or her
7 decease and elected a straight life annuity and the amount of the
8 annuity reserve shall be paid in equal monthly installments to the
9 member's infant child or children until the child or children
10 attain age twenty-one or sooner marry or become emancipated;
11 however, in no event shall any child or children receive more than
12 \$250 per month each. The annuity payments shall be computed as of
13 the date of the death of the member and the amount of the annuity
14 shall remain constant during the period of payment. The annual
15 amount of the annuities payable by this section shall not exceed
16 sixty percent of the deceased member's final average salary.

17 (d) In the event any member or former member does not have ten
18 or more years of credited service, no preretirement death annuity
19 may be authorized, owed or awarded under this section, except as
20 provided in subdivision (4), subsection (a), section fifteen of
21 this article as amended during the 2005 regular session of the
22 Legislature.

23 (e) Any person qualified as a surviving dependent child under

1 this section, who is the surviving dependent child of a law-
2 enforcement officer who loses his or her life in the performance of
3 duty, in addition to any other benefits due under this or other
4 sections of this article is entitled to receive a scholarship to be
5 applied to the career development education of that person. This
6 sum, up to but not exceeding \$7,500 per year, shall be paid from
7 the fund to any higher education institution in this state, career-
8 technical education provider in this state or other entity in this
9 state approved by the board, to offset the expenses of tuition,
10 room and board, books, fees or other costs incurred in a course of
11 study at any of those institutions so long as the recipient makes
12 application to the board on an approved form and under rules as
13 provided by the board and maintains scholastic eligibility as
14 defined by the institution or the board. The board may by
15 appropriate rules define age requirements, physical and mental
16 requirements, scholastic eligibility, disbursement methods,
17 institutional qualifications and other requirements as necessary
18 and not inconsistent with this section. Scholarship benefits
19 awarded pursuant to this subsection are not subject to division or
20 payable to an alternate payee by any Qualified Domestic Relations
21 Order.

22 **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

23 **ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.**

1 **§7-14D-20. Additional death benefits and scholarships - Dependent**
2 **children.**

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

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

1 then the accumulated contributions shall be paid to the estate of
2 the deceased member.

3 (c) Any person qualifying as a dependent child under this
4 section, in addition to any other benefits due under this or other
5 sections of this article, is entitled to receive a scholarship to
6 be applied to the career development education of that person. This
7 sum, up to but not exceeding \$7,500 per year, shall be paid from
8 the fund to any higher education institution in this state,
9 career-technical education provider in this state or other entity
10 in this state approved by the board, to offset the expenses of
11 tuition, room and board, books, fees or other costs incurred in a
12 course of study at any of these institutions so long as the
13 recipient makes application to the board on an approved form and
14 under such rules as the board may provide, and maintains scholastic
15 eligibility as defined by the institution or the board. The board
16 may propose legislative rules for promulgation in accordance with
17 article three, chapter twenty-nine-a of this code which define age
18 requirements, physical and mental requirements, scholastic
19 eligibility, disbursement methods, institutional qualifications and
20 other requirements as necessary and not inconsistent with this
21 section. Scholarship benefits awarded pursuant to this subsection
22 are not subject to division or payable to an alternate payee by any
23 Qualified Domestic Relations Order.

1 **§7-14D-21. Burial benefit.**

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

13 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

16 **§8-22A-22. Additional death benefits and scholarships - Dependent**
17 **children.**

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

22 (b) If the surviving spouse dies or if there is no surviving

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

19 (c) Any person qualifying as a dependent child under this
20 section, in addition to any other benefits due under this or other
21 sections of this article, is entitled to receive a scholarship to
22 be applied to the career development education of that person. This
23 sum, up to but not exceeding \$7,500 per year, shall be paid from

1 the fund to any higher education institution in this state,
2 career-technical education provider in this state or other entity
3 in this state approved by the board, to offset the expenses of
4 tuition, room and board, books, fees or other costs incurred in a
5 course of study at any of these institutions so long as the
6 recipient makes application to the board on an approved form and
7 under rules provided by the board and maintains scholastic
8 eligibility as defined by the institution or the board. The board
9 may propose legislative rules for promulgation in accordance with
10 article three, chapter twenty-nine-a of this code which define age
11 requirements, physical and mental requirements, scholastic
12 eligibility, disbursement methods, institutional qualifications and
13 other requirements as necessary and not inconsistent with this
14 section. Scholarship benefits awarded pursuant to this subsection
15 are not subject to division or payable to an alternate payee by any
16 Qualified Domestic Relations Order.

17 **§8-22A-23. Burial benefit.**

18 Except as provided in subsection (a), section nine of this
19 article, any member who dies as a result of any service-related
20 illness or injury after the effective date is entitled to a lump
21 sum burial benefit of \$5,000. If the member is married, the burial
22 benefit shall be paid to the member's spouse. If the member is not
23 married, the burial benefit shall be paid to the member's estate

1 for the purposes of paying burial expenses, settling the member's
2 final affairs, or both. Burial benefits awarded pursuant to this
3 section are not subject to division or payable to an alternate
4 payee by any Qualified Domestic Relations Order.

5 **CHAPTER 15. PUBLIC SAFETY.**

6 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

7 **§15-2-33. Awards and benefits to dependents of member when the**
8 **member dies in performance of duty; to dependents of**
9 **a duty disability retirant; dependent child**
10 **scholarship and amount.**

11 (a) The surviving spouse or the dependent child or children or
12 dependent parent or parents of any member who has lost or loses his
13 or her life by reason of injury, illness or disease resulting from
14 an occupational risk or hazard inherent in or peculiar to the
15 service required of employees while the member was or is engaged in
16 the performance of his or her duties as an employee of the agency,
17 or if a retirant dies from any cause after having been retired
18 pursuant to the provisions of section twenty-nine of this article,
19 the surviving spouse or other dependent is entitled to receive and
20 shall be paid from the fund benefits as follows: To the surviving
21 spouse annually, in equal monthly installments during his or her
22 lifetime the greater of one or the other of two amounts:

1 (1) An amount equal to five and one-half percent of the total
2 salary which was or would have been earned by the deceased member
3 or duty disability retirant during twenty-five years of service
4 based on the average earnings of the member or duty disability
5 retirant while employed by the agency; or

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

7 (b) In addition, the surviving spouse is entitled to receive
8 and shall be paid \$100 monthly for each dependent child or
9 children. If the surviving spouse dies or if there is no surviving
10 spouse, there shall be paid monthly to each dependent child or
11 children from the fund a sum equal to twenty-five percent of the
12 surviving spouse's entitlement. If there is no surviving spouse and
13 no dependent child or children, there shall be paid annually in
14 equal monthly installments from the fund to the dependent parents
15 of the deceased member or retirant during their joint lifetimes a
16 sum equal to the amount which a surviving spouse, without children,
17 would have received: Provided, That when there is one dependent
18 parent surviving, that parent is entitled to receive during his or
19 her lifetime one-half the amount which both parents, if living,
20 would have been entitled to receive.

21 (c) Any person qualified as a surviving dependent child under
22 this section, in addition to any other benefits due under this or
23 other sections of this article, is entitled to receive a

1 scholarship to be applied to the career development education of
2 that person. This sum, up to but not exceeding \$7,500 per year,
3 shall be paid from the fund to any higher education institution in
4 this state, career-technical education provider in this state or
5 other entity in this state approved by the board, to offset the
6 expenses of tuition, room and board, books, fees or other costs
7 incurred in a course of study at any of those institutions so long
8 as the recipient makes application to the board on an approved form
9 and under rules as provided by the board and maintains scholastic
10 eligibility as defined by the institution or the board. The board
11 may, by appropriate rules, define age requirements, physical and
12 mental requirements, scholastic eligibility, disbursement methods,
13 institutional qualifications and other requirements as necessary
14 and not inconsistent with this section. Scholarship benefits
15 awarded pursuant to this subsection are not subject to division or
16 payable to an alternate payee by any Qualified Domestic Relations
17 Order.

18 (d) A surviving spouse or dependent of an employee meeting the
19 requirements of this section is entitled to receive beneficiary
20 payments on the first day following the date the deceased employee
21 is removed from payroll by the agency. A surviving spouse or
22 dependent of a member who is not currently an employee meeting the
23 requirements of this section is entitled to receive beneficiary

1 payments on the first day following the date of the deceased
2 member's death. A surviving spouse or dependent of a retirant
3 meeting the requirements of this section is entitled to receive
4 beneficiary payments on the first day of the month following the
5 date of the deceased retirant's death. Upon receipt of properly
6 executed forms from the agency and the surviving spouse or
7 dependent, the board shall process the surviving spouse or
8 dependent benefit as soon as administratively feasible.

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

11 **ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.**

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

15 (a) The surviving spouse, the dependent child or children or
16 dependent parent or parents of any employee who has lost or shall
17 lose his or her life by reason of injury, illness or disease
18 resulting from an occupational risk or hazard inherent in or
19 peculiar to the service required of employees while the employee
20 was engaged in the performance of his or her duties as an employee
21 of the agency, or the survivor of a retirant who dies from any
22 cause after having been retired pursuant to the provisions of
23 section nine of this article, is entitled to receive and shall be

1 paid from the fund benefits as follows: To the surviving spouse
2 annually, in equal monthly installments during his or her lifetime,
3 one or the other of two amounts, which shall become payable the
4 first day of the month following the employee's or retirant's death
5 and which shall be the greater of:

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

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

13 (b) In addition, the surviving spouse is entitled to receive
14 and shall be paid \$150 monthly for each dependent child. If the
15 surviving spouse dies or if there is no surviving spouse, there
16 shall be paid monthly to each dependent child or children from the
17 fund a sum equal to one third of the surviving spouse's
18 entitlement. If there is no surviving spouse and no dependent child
19 or children, there shall be paid annually in equal monthly
20 installments from the fund to the dependent parents of the deceased
21 member during their joint lifetimes a sum equal to the amount which
22 a surviving spouse, without children, would have received:
23 *Provided*, That when there is one dependent parent surviving, that

1 parent is entitled to receive during his or her lifetime one half
2 the amount which both parents, if living, would have been entitled
3 to receive: *Provided, however,* That if there is no surviving
4 spouse, dependent child or dependent parent of the deceased member,
5 the accumulated contributions shall be paid to a named beneficiary
6 or beneficiaries: *Provided further,* That if there is no surviving
7 spouse, dependent child, dependent parent of the deceased member or
8 any named beneficiary or beneficiaries, then the accumulated
9 contributions shall be paid to the estate of the deceased member.

10 (c) Any person qualifying as a surviving dependent child under
11 this section, in addition to any other benefits due under this or
12 other sections of this article, is entitled to receive a
13 scholarship to be applied to the career development education of
14 that person. This sum, up to but not exceeding \$7,500 per year,
15 shall be paid from the fund to any higher education institution in
16 this state, career-technical education provider in this state or
17 other entity in this state approved by the board to offset the
18 expenses of tuition, room and board, books, fees or other costs
19 incurred in a course of study at any of these institutions as long
20 as the recipient makes application to the board on an approved form
21 and under rules provided by the board and maintains scholastic
22 eligibility as defined by the institution or the board. The board
23 may by appropriate rules define age requirements, physical and

1 mental requirements, scholastic eligibility, disbursement methods,
2 institutional qualifications and other requirements as necessary
3 and not inconsistent with this section. Scholarship benefits
4 awarded pursuant to this subsection are not subject to division or
5 payable to an alternate payee by any Qualified Domestic Relations
6 Order.

7 (d) A surviving spouse or dependent of an employee meeting the
8 requirements of this section is entitled to receive beneficiary
9 payments on the first day of the month following the date the
10 deceased member is removed from payroll by the agency. A surviving
11 spouse or dependent of a member who is not currently an employee
12 meeting the requirements of this section is entitled to receive
13 beneficiary payments on the first day of the month following the
14 date of the deceased member's death. A surviving spouse or
15 dependent of a retirant meeting the requirements of this section is
16 entitled to receive beneficiary payments on the first day of the
17 month following the date of the deceased retirant's death. Upon
18 receipt of properly executed forms from the agency and surviving
19 spouse or dependent, the board shall process the surviving spouse
20 or dependent benefit as soon as administratively feasible.

21 (e) It is the intent of the Legislature that the levels of
22 benefits provided by operation of this section from the effective
23 date of the enactment of this section during the regular session of

1 the Legislature, 2005, be the same levels of benefits as provided
2 by this section as amended and reenacted during the fourth
3 extraordinary session of the Legislature, 2005. Accordingly, the
4 effective date of the operation of this section as amended and
5 reenacted during the fourth extraordinary session of the
6 Legislature, 2005, is expressly made retrospective to April 9,
7 2005.

8 **CHAPTER 16. PUBLIC HEALTH.**

9 **ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.**

10 **§16-5V-25. Additional death benefits and scholarships --**
11 **Dependent children.**

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

15 (b) If the surviving spouse dies or if there is no surviving
16 spouse, the fund shall pay monthly to each dependent child a sum
17 equal to one hundred percent of the spouse's entitlement under this
18 article divided by the number of dependent children. If there is
19 neither a surviving spouse nor a dependent child, the fund shall
20 pay in equal monthly installments to the dependent parents of the
21 deceased member during their joint lifetimes a sum equal to the
22 amount which a surviving spouse, without children, would have
23 received: *Provided*, That when there is only one dependent parent

1 surviving, that parent is entitled to receive during his or her
2 lifetime one-half the amount which both parents, if living, would
3 have been entitled to receive: *Provided, however,* That if there is
4 no surviving spouse, dependent child or dependent parent of the
5 deceased member, the accumulated contributions shall be paid to a
6 named beneficiary or beneficiaries: *Provided further,* That if there
7 is no surviving spouse, dependent child or dependent parent of the
8 deceased member, or any named beneficiary or beneficiaries, then
9 the accumulated contributions shall be paid to the estate of the
10 deceased member.

11 (c) Any person qualifying as a dependent child under this
12 section, in addition to any other benefits due under this or other
13 sections of this article, is entitled to receive a scholarship to
14 be applied to the career development education of that person. This
15 sum, up to but not exceeding \$6,000 per year, shall be paid from
16 the fund to any university or college in this state or to any trade
17 or vocational school or other entity in this state approved by the
18 board to offset the expenses of tuition, room and board, books,
19 fees or other costs incurred in a course of study at any of these
20 institutions so long as the recipient makes application to the
21 board on an approved form and under rules provided by the board and
22 maintains scholastic eligibility as defined by the institution or
23 the board. The board may propose legislative rules for promulgation

1 in accordance with article three, chapter twenty-nine-a of this
2 code which define age requirements, physical and mental
3 requirements, scholastic eligibility, disbursement methods,
4 institutional qualifications and other requirements as necessary
5 and not inconsistent with this section. Scholarship benefits
6 awarded pursuant to this subsection are not subject to division or
7 payable to an alternate payee by any Qualified Domestic Relations
8 Order.

9 **§16-5V-26. Burial benefit.**

10 Any member who dies as a result of any service related illness
11 or injury after the effective date is entitled to a lump sum burial
12 benefit of \$5,000. If the member is married, the burial benefit
13 shall be paid to the member's spouse. If the member is not married,
14 the burial benefit shall be paid to the member's estate for the
15 purposes of paying burial expenses, settling the member's final
16 affairs, or both. Burial benefits awarded pursuant to this section
17 are not subject to division or payable to an alternate payee by any
18 Qualified Domestic Relations Order.

NOTE: The purpose of this bill is to clarify that retirement dependent child scholarship and burial benefits under PERS, DSRS, MPFRS, Plan A, Plan B and EMSRS of deceased uniformed service officers shall not be subject to division or payable to an alternate payee under a Qualified Domestic Relations Order; and to make technical corrections in §15-2A-12.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.