

FILED

2002 MAR 27 P 3:48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*

**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO. 91**

(By Senator Wootton, et al)

**PASSED March 9, 2002**

**In Effect July 1, 2002** 

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 91**

(SENATORS WOOTON, BURNETTE, CALDWELL, KESSLER,  
MINARD, MITCHELL, OLIVERIO, REDD, ROSS, ROWE, SNYDER,  
DEEM, FACEMYER AND MCKENZIE, *original sponsors*)

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[Passed March 9, 2002; to take effect July 1, 2002.]

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AN ACT to amend and reenact section two, article eleven, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring the payment of funeral expenses of probation officers and correctional employees killed in the line of duty.

*Be it enacted by the Legislature of West Virginia:*

That section two, article eleven, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.**

§15-11-2. **Payment of funeral expenses of law-enforcement, safety and emergency workers killed in the line of duty.**

1 (a) The secretary of military affairs and public safety  
2 shall, upon written request, direct payment from the fund  
3 in the form of a draft as provided in this article up to and  
4 including an amount not exceeding eight thousand dollars  
5 for the reasonable funeral expenses, including burial  
6 expenses, of a law-enforcement, safety or emergency  
7 worker killed on or after the first day of January, one  
8 thousand nine hundred ninety-nine, while carrying out  
9 official duties: *Provided*, That no funds shall be expended  
10 for any funeral expense that is otherwise payable pursuant  
11 to the provisions of article four, chapter twenty-three of  
12 this code, as amended, or other benefit programs estab-  
13 lished by a provision of this code which does not involve  
14 employee participation: *Provided, however*, That where  
15 other funds for funeral expenses are provided pursuant to  
16 the laws of this state, from whatever source, which amount  
17 to less than eight thousand dollars, funds provided by the  
18 provisions of this section shall be expended so as to ensure  
19 that at least eight thousand dollars is available for reason-  
20 able funeral expenses. The secretary shall direct payment  
21 of the funeral expenses upon written request of an em-  
22 ployer or head of a volunteer organization, as is appropri-  
23 ate pursuant to this article, certifying that the individual  
24 for whom funeral expenses are requested was killed while  
25 performing official duties.

26 (b) The secretary shall supply the draft in the name of  
27 the person contracting for the funeral services and, if  
28 known, the service provider to the employer or agency  
29 head making the request who shall tender the draft to the  
30 person who contracted for the services.

31 (c) For the purposes of this section, "law-enforcement,  
32 safety or emergency worker" means:

33 (1) Any duly authorized member of a law-enforcement  
34 agency who is authorized to maintain public peace and  
35 order, prevent and detect crime, make arrests and enforce  
36 the laws of the state or any county or municipality of the  
37 state, other than parking ordinances, and including those  
38 persons employed as security officers at municipal, county,  
39 regional or state offices, authorities or institutions,  
40 although their employers may not be public law-enforce-  
41 ment agencies, employed by the Hatfield-McCoy regional  
42 recreation authority and members of the West Virginia  
43 national guard while engaged in active duty service:  
44 *Provided*, That this section does not apply to those persons  
45 employed by private security firms or agencies;

46 (2) Any state, regional, county or municipal correctional  
47 employee;

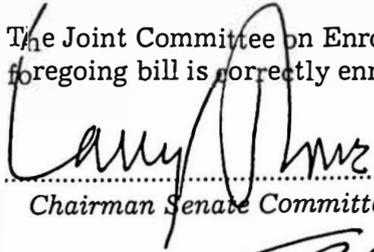
48 (3) Any firefighter employed by the state or any political  
49 subdivision of the state and any volunteer firefighter  
50 performing as a member of a volunteer fire department;

51 (4) Any "emergency medical services personnel", as  
52 defined in section three, article four-c, chapter sixteen of  
53 this code, employed by or volunteering for any state  
54 agency or institution or political subdivision of the state;  
55 or

56 (5) Any probation officer appointed under the provisions  
57 of section five, article twelve, chapter sixty-two of this  
58 code.

Enr. Com. Sub. for S. B. No. 91] 4

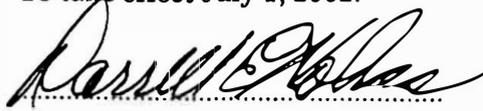
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

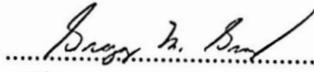
  
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Chairman Senate Committee

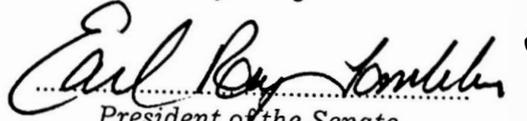
  
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Chairman House Committee

Originated in the Senate.

To take effect July 1, 2002.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 27<sup>th</sup>  
Day of March, 2002.

  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/02

Time 11:10 am