

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4776

FISCAL
NOTE

BY DELEGATES MILEY, BARRETT, SWARTZMILLER,
CAPUTO, SPONAUGLE, CAMPBELL, PYLES, ZUKOFF,
LAVENDER-BOWE, STAGGERS AND MILLER

[Introduced February 10, 2020; Referred to the
Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §15-2-33 of the Code of West Virginia, 1931, as amended, relating
 2 to increasing the pension awards to immediate family members of a deceased trooper that
 3 was disabled in the course of duty.

Be it enacted by the Legislature of West Virginia:

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 retirant; dependent child scholarship and amount.

1 (a) The surviving spouse or the dependent child or children or dependent parent or parents
 2 of any member who has lost or loses his or her life by reason of injury, illness or disease resulting
 3 from an occupational risk or hazard inherent in or peculiar to the service required of employees
 4 while the member was or is engaged in the performance of his or her duties as an employee of
 5 the agency, or if a retirant dies from any cause after having been retired pursuant to the provisions
 6 of §15-2-29 of this code, the surviving spouse or other dependent is entitled to receive and shall
 7 be paid from the fund benefits as follows: To the surviving spouse annually, in equal monthly
 8 installments during his or her lifetime the greater of one or the other of two amounts:

9 (1) An amount equal to ~~five and one-half percent of the total salary~~ 50 percent of the award
 10 which was or would have been ~~earned by~~ awarded to the deceased member or duty disability
 11 retirant during 25 years of service based on the average earnings of the member or duty disability
 12 retirant while employed by the agency; or

13 (2) The sum of ~~\$6,000~~ \$20,000.00.

14 (b) In addition, the surviving spouse is entitled to receive and shall be paid ~~\$100~~ \$500
 15 monthly for each dependent child or children. If the surviving spouse dies or if there is no surviving
 16 spouse, there shall be paid monthly to each dependent child or children from the fund a sum equal
 17 to 25 percent of the surviving spouse's entitlement. If there is no surviving spouse and no
 18 dependent child or children, there shall be paid annually in equal monthly installments from the

19 fund to the dependent parents of the deceased member or retirant during their joint lifetimes a
20 sum equal to the amount which a surviving spouse, without children, would have received:
21 *Provided, That* when there is one dependent parent surviving, that parent is entitled to receive
22 during his or her lifetime one-half the amount which both parents, if living, would have been
23 entitled to receive.

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

37 (d) A surviving spouse or dependent of an employee meeting the requirements of this
38 section is entitled to receive beneficiary payments on the first day following the date the deceased
39 employee is removed from payroll by the agency. A surviving spouse or dependent of a member
40 who is not currently an employee meeting the requirements of this section is entitled to receive
41 beneficiary payments on the first day following the date of the deceased member's death. A
42 surviving spouse or dependent of a retirant meeting the requirements of this section is entitled to
43 receive beneficiary payments on the first day of the month following the date of the deceased
44 retirant's death. Upon receipt of properly executed forms from the agency and the surviving

45 spouse or dependent, the board shall process the surviving spouse or dependent benefit as soon
46 as administratively feasible.

47 (e) For the purposes of this section, the term “salary” does not include any compensation
48 paid for overtime service.

NOTE: The purpose of this bill is to increase the pension award to family members of deceased troopers that were disabled in the course of their duties.

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