

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 728

FISCAL
NOTE

By Senators Deeds, Woelfel, Trump, and Nelson

[Introduced February 9, 2024; referred
to the Committee on Finance]

1 A BILL to amend and reenact §15-2-33 and of the Code of West Virginia, 1931, as amended,
 2 relating to changing the awards and benefits to dependents of State Police officers who
 3 must take disability retirement to better match the awards and benefits of the dependents
 4 of State Police retirants who serve 20 years without disability retirement.

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 the
 5 agency, or if a retirant dies from any cause after having been retired pursuant to the provisions of
 6 section twenty-nine of this article, the surviving spouse or other dependent is entitled to receive
 7 and shall be paid from the fund benefits as follows: To the surviving spouse annually, in equal
 8 monthly 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 which was or would~~
 10 ~~have been earned by the deceased member or duty disability retirant during twenty-five years of~~
 11 ~~service based on the average earnings of the member or duty disability retirant while employed by~~
 12 ~~the agency; or~~ There shall be paid annually in equal monthly installments from the fund to the
 13 surviving spouse of the employee or retirant during the lifetime or until remarriage of the surviving
 14 spouse, an amount equal to three-fourths the retirement benefits the deceased retirant was
 15 receiving or would have been entitled to receive while in status of retirement, or would have been
 16 entitled to receive to the same effect as if the employee had been retired under the provisions of
 17 this article immediately prior to the time of his or her death and in no event to be less than \$5,000,

18 unless otherwise required under this article; or

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

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

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

42 (d) A surviving spouse or dependent of an employee meeting the requirements of this
43 section is entitled to receive beneficiary payments on the first day following the date the deceased

44 employee is removed from payroll by the agency. A surviving spouse or dependent of a member
45 who is not currently an employee meeting the requirements of this section is entitled to receive
46 beneficiary payments on the first day following the date of the deceased member's death. A
47 surviving spouse or dependent of a retirant meeting the requirements of this section is entitled to
48 receive beneficiary payments on the first day of the month following the date of the deceased
49 retirant's death. Upon receipt of properly executed forms from the agency and the surviving
50 spouse or dependent, the board shall process the surviving spouse or dependent benefit as soon
51 as administratively feasible.

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

NOTE: The purpose of this bill is to change the awards and benefits to dependents of State Police officers who must take disability retirement to better match the awards and benefits of the dependents of State Police retirants who serve twenty years without disability retirement.

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