

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 146

(By Mr. Jimison,)



PASSED March 12, 1937

In Effect from Passage

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**House Bill No. 146**

(BY MR. JIMISON)

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AN ACT to amend and reenact section twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by section twenty-eight, chapter twenty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to pensions for members of the department of public safety and for their dependents.

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

That section twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by section twenty-eight, chapter twenty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 28. *Pensions for Members of the Department of*

2 *Public Safety and Their Dependents.* (a) The board of com-  
3 missioners created by section twenty, article two, chapter  
4 fifteen of the code of West Virginia, one thousand nine hun-  
5 dred thirty-one, and the superintendent of the department  
6 of public safety shall constitute a pension fund board and  
7 shall have the power to make awards or to revise awards  
8 previously made for such times and under such terms and  
9 conditions as are hereinafter provided for, and shall make all  
10 necessary rules and regulations regarding the same not in-  
11 consistent with this act.

12 (b) Any member of the department of public safety who  
13 has served in said department for a period of twenty years  
14 and who has reached the age of fifty-five years, upon appli-  
15 cation by said member to the superintendent of said depart-  
16 ment, together with certificate of service and with the ap-  
17 proval of the board of commissioners, shall be retired and  
18 shall thereupon receive annually, in monthly installments,  
19 from said pension fund an amount equal to two per cent of  
20 the total salary earned by him during his service in the  
21 department.

22 (c) Any member of said department of public safety who  
23 has heretofore received or who may hereafter receive per-  
24 manent disability in the performance of his duty shall, upon  
25 certificate of disability of a physician designated for the  
26 purpose by the board of commissioners, be retired upon an  
27 annual pension of not less than two nor more than five per  
28 cent of twenty years' salary based on his average earnings  
29 while employed by the department: *Provided*, That in no  
30 case shall the total amount received be more than the total  
31 amount received when regularly employed as a member of  
32 the department.

33 (d) The widow or children under the age of sixteen years,  
34 or sole dependent parent of any member of the department  
35 of public safety who shall have heretofore or shall hereafter  
36 lose his life in the performance of his duty, or where death  
37 results from injury received in the performance of duty,  
38 shall receive an annual pension that shall not exceed two  
39 per cent of twenty years' salary based on his average earn-  
40 ings while employed by the department: *Provided*, That in  
41 case of a widow and children such pension shall be for the  
42 widow and the children and shall be paid to the widow, and

43 in case there are three or more children under the age of  
44 sixteen years and no widow, the said children shall receive  
45 the pension in equal shares until they attain the age of six-  
46 teen years, and in case there are two children under the age  
47 of sixteen years and widow, they shall be paid such pension,  
48 but not to exceed fifteen dollars monthly each, until they  
49 attain the age of sixteen years, and in the case of only one  
50 child and no widow, he or she shall be paid such pension, but  
51 not to exceed fifteen dollars monthly, until he or she attains  
52 the age of sixteen years: *Provided further*, That in case there  
53 is no widow and no children under the age of sixteen years  
54 then such pension shall be paid to the parent or parents de-  
55 pendent upon the deceased member: *Provided further*, That  
56 if any widow entitled to a pension aforesaid dies or remarries,  
57 then such pensions shall cease to be paid to such widow, or  
58 her estate, but shall be paid to each of said children, or child,  
59 until they reach the age of sixteen years. No such child shall  
60 receive more than fifteen dollars per month.

61 (e) Any member of the department of public safety who  
62 is released or who severs his connection with the department  
63 of public safety and who has served two full years or more

64 with the department, shall, upon request, be refunded all  
65 deductions made from his salary, but without interest, on  
66 account of this fund. But in the event that such refund is  
67 made, and such member subsequently reenlists, no credit shall  
68 be allowed to him for any former service. If any member is  
69 released or severs his connection with the department before  
70 he has served two full years, he shall forfeit his right to have  
71 refunded to him any such deductions.

72 (f) All outstanding annuities shall be paid from the cur-  
73 rent income to such fund and from the interest on or income  
74 from an accumulated fund amounting to one hundred and  
75 seven thousand dollars.

76 (g) All future awards from such fund shall be valued  
77 annually and reserves based on sound actuarial principles  
78 for their payment shall be carried on the funds account as  
79 a liability against the general fund.

80 (h) An adequate system of accounting shall be installed  
81 and kept so as to insure a proper record of all transactions  
82 in a detailed record of all contributions and refunds, dates of  
83 enlistments, time served, and all releases of members.

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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the.....

Takes effect..... passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *[Signature]* this the *18<sup>th</sup>*

day of *[Signature]*, 1937.

*[Signature]*  
.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 19 1937**  
Wm. S. O'BRIEN,  
Secretary of State