ENROLLED

HOUSE BILL No. 146

(By Mr. Jimison)

PASSED March 12, 1937

In Effect from Passage
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 Public Safety and Their Dependents. (a) The board of commissioners created by section twenty, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, and the superintendent of the department of public safety shall constitute a pension fund board and shall have the power to make awards or to revise awards previously made for such times and under such terms and conditions as are hereinafter provided for, and shall make all necessary rules and regulations regarding the same not inconsistent with this act.

(b) Any member of the department of public safety who has served in said department for a period of twenty years and who has reached the age of fifty-five years, upon application by said member to the superintendent of said department, together with certificate of service and with the approval of the board of commissioners, shall be retired and shall thereupon receive annually, in monthly installments, from said pension fund an amount equal to two per cent of the total salary earned by him during his service in the department.
(e) Any member of said department of public safety who has heretofore received or who may hereafter receive permanent disability in the performance of his duty shall, upon certificate of disability of a physician designated for the purpose by the board of commissioners, be retired upon an annual pension of not less than two nor more than five per cent of twenty years' salary based on his average earnings while employed by the department: Provided, That in no case shall the total amount received be more than the total amount received when regularly employed as a member of the department.

(d) The widow or children under the age of sixteen years, or sole dependent parent of any member of the department of public safety who shall have heretofore or shall hereafter lose his life in the performance of his duty, or where death results from injury received in the performance of duty, shall receive an annual pension that shall not exceed two per cent of twenty years' salary based on his average earnings while employed by the department: Provided, That in case of a widow and children such pension shall be for the widow and the children and shall be paid to the widow, and
in case there are three or more children under the age of sixteen years and no widow, the said children shall receive the pension in equal shares until they attain the age of sixteen years, and in case there are two children under the age of sixteen years and widow, they shall be paid such pension, but not to exceed fifteen dollars monthly each, until they attain the age of sixteen years, and in the case of only one child and no widow, he or she shall be paid such pension, but not to exceed fifteen dollars monthly, until he or she attains the age of sixteen years: Provided further, That in case there is no widow and no children under the age of sixteen years then such pension shall be paid to the parent or parents dependent upon the deceased member: Provided further, That if any widow entitled to a pension aforesaid dies or remarries, then such pensions shall cease to be paid to such widow, or her estate, but shall be paid to each of said children, or child, until they reach the age of sixteen years. No such child shall receive more than fifteen dollars per month.

(e) Any member of the department of public safety who is released or who severs his connection with the department of public safety and who has served two full years or more...
with the department, shall, upon request, be refunded all
deductions made from his salary, but without interest, on
account of this fund. But in the event that such refund is
made, and such member subsequently reenlists, no credit shall
be allowed to him for any former service. If any member is
released or severs his connection with the department before
he has served two full years, he shall forfeit his right to have
refunded to him any such deductions.

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

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

(h) An adequate system of accounting shall be installed
and kept so as to insure a proper record of all transactions
in a detailed record of all contributions and refunds, dates of
enlistments, time served, and all releases of members.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within

the

day of

1937.

Governor.

Filed in the office of the Secretary of State of West Virginia.

Wm. S. O'Brien,
Secretary of State