

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 61

(By Mr. Alexander)



PASSED March 4 1941

In Effect ninety days from Passage

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(BY MR. ALEXANDER)

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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 chapter thirty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to pensions for retired or disabled members of the department of public safety, or dependent members of their families, and relating to a pension fund board to control and disburse such fund.

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 chapter thirty-four, acts of the Legislature, regular session, one thousand nine hun-

dred thirty-nine, be amended and reenacted to read as follows:

Article 2. Department of Public Safety.

Section 28. Pension Fund Board; Payments from Fund.

2 —(a) The board of commissioners created by section
3 twenty, article two, chapter fifteen of the code of West
4 Virginia, one thousand nine hundred thirty-one, and the
5 superintendent of the department of public safety shall
6 constitute a pension fund board and shall have the power
7 to make awards or to revise awards previously made
8 for such times and under such terms and conditons as
9 are hereinafter provided for, and shall make all neces-
10 sary rules and regulations regarding the same not incon-
11 sistent with this act.

12 (b) Any member of the department of public safety
13 who has served in said department for a period of twenty
14 years, upon application by said member to the superin-
15 tendent of said department, together with certificate of
16 service and with the approval of the board of commis-
17 sioners, shall be retired and shall thereupon receive an-
18 nually, in monthly installments, from said pension fund
19 an amount equal to three per cent of the total salary

20 earned by him during his service in the department: *Pro-*
21 *vided, however,* That any member of the department who
22 has served in the department for a period of twenty years
23 and who in the opinion of the pension fund board is in-
24 capable of performing his duties as a member of the de-
25 partment due to physical or other handicaps or defects,
26 may be retired, and shall thereupon receive annually in
27 monthly installments, from said pension fund an amount
28 equal to three per cent of the total salary earned by him
29 during his service in the department.

30 (c) Any member of said department of public safety
31 who has heretofore received or who may hereafter re-
32 ceive permanent disability in the performance of his
33 duty shall, upon certificate of disability of a physician
34 designated for the purpose by the board of commissioners,
35 be retired upon an annual pension of not less than two
36 nor more than five per cent of twenty years' salary based
37 on his average earnings while employed by the depart-
38 ment: *Provided,* That in no case shall the total amount
39 received be more than the total amount received when
40 regularly employed as a member of the department.

41 (d) The widow or children under the age of sixteen
42 years, or sole dependent parent of any member of the
43 the department of public safety who shall have hereto-
44 fore or shall hereafter lose his life in the performance of
45 his duty, or where death results from injury received in
46 the performance of duty, shall receive ^{an} annual pension
47 that shall not exceed two per cent of twenty years' salary
48 based on his average earnings while employed by the
49 department: *Provided*, That in case of a widow and chil-
50 dren such pension shall be for the widow and the children
51 and shall be paid to the widow, and in case there are three
52 or more children under the age of sixteen years and no
53 widow, the said children shall receive the pension in
54 equal shares until they attain the age of sixteen years,
55 and in case there are two children under the age of six-
56 teen years and widow, they shall be paid such pension,
57 but not to exceed fifteen dollars monthly each, until they
58 attain the age of sixteen years, and in the case of only
59 one child and no widow, he or she shall be paid such pen-
60 sion, but not to exceed fifteen dollars monthly, until he
61 or she attains the age of sixteen years: *Provided further*,

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62 That in case there is no widow and no children under the
63 age of sixteen years, then such pension shall be paid to
64 the parent or parents dependent upon the deceased mem-
65 ber: *Provided further*, That if any widow entitled to a
66 pension aforesaid dies or remarries, then such pensions
67 shall cease to be paid to such widow, or her estate, but
68 shall be paid to each of said children, or child, until they
69 reach the age of sixteen years. No such child shall receive
70 more than fifteen dollars per month.

71 (e) Any member of the department of public safety
72 who is released or who severs his connection with the
73 department of public safety and who has served two full
74 years or more with the department, shall, upon request,
75 be refunded all deductions made from his salary, but with-
76 out interest, on account of this fund. But in the event
77 that such refund is made, and such member subsequently
78 re-enlists, no credit shall be allowed to him for any
79 former service. If any member is released or severs his
80 connection with the department before he has served two
81 full years, he shall forfeit his right to have refunded to
82 him any such deductions.

83 (f) All outstanding annuities shall be paid from the
84 current income to such fund and from the interest on
85 or income from an accumulated fund amounting to one
86 hundred seven thousand dollars.

87 (g) All future awards from such fund shall be valued
88 annually, and reserves based on sound actuarial prin-
89 ciples for their payment shall be carried on the funds
90 account as a liability against the general fund.

91 (h) An adequate system of accounting shall be installed
92 and kept so as to insure a proper record of all transac-
93 tions in a detailed record of all contributions and refunds,
94 dates of enlistments, time served, and all releases of
95 members.

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

C. W. McKaun
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

W. Hale Watkins
Clerk of the Senate

Samuel
Clerk of the House of Delegates

Byrout R. Wendell
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within Approved this the 14th
day of March, 1941.

Matthew M. Neely
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 17 1941
Wm. S. O'BRIEN,
Secretary of State