WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 61

(By Mr. Alexander)

PASSED March 4, 1941

In Effect ninety days from Passage
ENROLLED

House Bill No. 61

(BY MR. ALEXANDER)

[Passed March 4, 1941; in effect ninety days 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 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 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.

2 (b) Any member of the department of public safety who has served in said department for a period of twenty 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 an amount equal to three per cent of the total salary
20 earned by him during his service in the department: Provided, however, That any member of the department who
21 has served in the department for a period of twenty years
22 and who in the opinion of the pension fund board is in-
23 capable of performing his duties as a member of the de-
24 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.
(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,
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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 re-enlists, 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 current income to such fund and from the interest on or income from an accumulated fund amounting to one hundred 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.

O. W. McQueen
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Aldele Watkins
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malden P. Arnold
Speaker House of Delegates

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

Matthew Neely
Governor.

Filed in the office of the Secretary of State of West Virginia MAR 17 1941

Wm. S. O'Brien,
Secretary of State