

0

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

—●—

# ENROLLED

HOUSE BILL No. 211

(By Mr. Bowles)

—●—

PASSED February 16, 1955

In Effect ninety days from Passage

Filed in the Office of the Secretary of State  
of West Virginia FEB 22 1955  
D. PITT O'BRIEN  
SECRETARY OF STATE

ENROLLED

House Bill No. 211

(By MR. BOWLES)

[Passed February 16, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-eight-a, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to credit on service required for retirement to be allowed members for time served in the armed forces.

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

That section twenty-eight-a, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

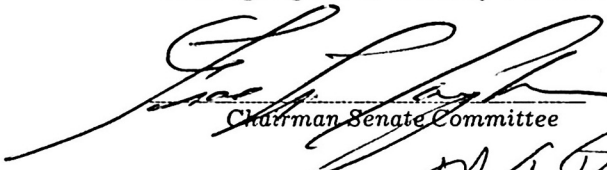
Section 28-a. *Credit on Service Required for Retirement*


2 *to Be Allowed Members for Time Served in Armed Forces*  
3 *During World War II and Korean Conflict.*—Any member  
4 of the department of public safety who was commissioned,  
5 enlisted or inducted into the armed forces of the United  
6 States or, being a member of the reserve officers' corps,

7 was called to active duty in said armed forces between  
8 the first day of September, one thousand nine hundred  
9 forty and the close of hostilities in World War II, or be-  
10 tween the twenty-seventh day of June, one thousand nine  
11 hundred fifty and the close of the armed conflict in Korea  
12 on the twenty-seventh day of July, one thousand nine  
13 hundred fifty-three, shall be entitled to and receive credit  
14 on the minimum period of service required by law for  
15 retirement pay from the service of the department of  
16 public safety for a period equal to the full time he has  
17 or shall, pursuant to such commission, enlistment, induc-  
18 tion or call, have served with said armed forces: *Pro-*  
19 *vided*, That such member has been or shall (1) be hon-  
20 orably discharged from said armed forces, and (2) within  
21 ninety days after honorable discharge from said armed  
22 forces shall present himself to the superintendent and  
23 offer to resume service as an active member of the de-  
24 partment: *Provided, however*, That no such member shall  
25 be entitled to any credit, privilege or benefit under the  
26 provisions of this section who shall by any voluntary act  
27 on his part, whether by reenlistment, waiver of discharge,  
28 acceptance of commission or otherwise, extend or par-

29 ticipate in extension of the period of service of such mem-  
30 ber with such armed forces beyond the period of service  
31 therewith for which such member was originally com-  
32 missioned, enlisted, inducted or called: *Provided further,*  
33 That the amount of retirement pay to which any such  
34 member shall be entitled shall be calculated and deter-  
35 mined as if such member has continued in the active  
36 service of the department at the rank or grade to him  
37 appertaining at the time of such commission, induction,  
38 enlistment or call, during a period coextensive with the  
39 time such member shall have served with said armed  
40 forces pursuant to such commission, induction, enlistment  
41 or call. The superintendent of said department is author-  
42 ized to transfer and pay each month into said death, dis-  
43 ability and retirement fund from moneys that shall be  
44 appropriated for said department a sum equal to eighteen  
45 per cent of the aggregate of salary which all said members  
46 would have been entitled to receive had they continued in  
47 the active service of said department during a period coex-  
48 tensive with the time such members shall have served  
49 with said armed forces pursuant to said commission, in-  
50 duction, enlistment or call.

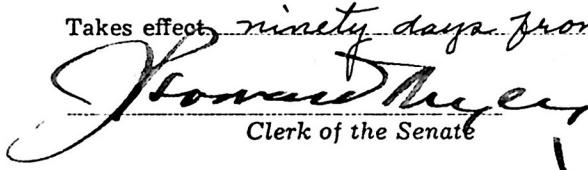
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

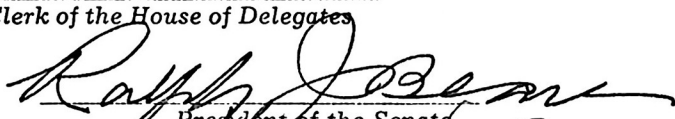
  
Chairman Senate Committee

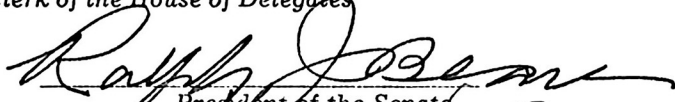
  
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

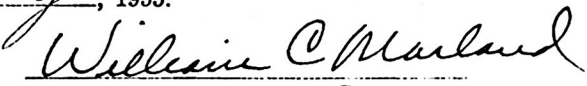
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 21  
day of February, 1955.

  
Governor

Filed in the Office of the Secretary of State  
of West Virginia

FEB 22 1955

D. PITT O'BRIEN  
SECRETARY OF STATE