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

P. PITTM O'BRIEN
SECRETARY OF STATE
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 to Be Allowed Members for Time Served in Armed Forces During World War II and Korean Conflict.—Any member of the department of public safety who was commissioned, enlisted or inducted into the armed forces of the United States or, being a member of the reserve officers' corps,
was called to active duty in said armed forces between the first day of September, one thousand nine hundred forty and the close of hostilities in World War II, or between the twenty-seventh day of June, one thousand nine hundred fifty and the close of the armed conflict in Korea on the twenty-seventh day of July, one thousand nine hundred fifty-three, shall be entitled to and receive credit on the minimum period of service required by law for retirement pay from the service of the department of public safety for a period equal to the full time he has or shall, pursuant to such commission, enlistment, induction or call, have served with said armed forces: Provided, That such member has been or shall (1) be honorably discharged from said armed forces, and (2) within ninety days after honorable discharge from said armed forces shall present himself to the superintendent and offer to resume service as an active member of the department: Provided, however, That no such member shall be entitled to any credit, privilege or benefit under the provisions of this section who shall by any voluntary act on his part, whether by reenlistment, waiver of discharge, acceptance of commission or otherwise, extend or par-
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29. Participate in extension of the period of service of such member with such armed forces beyond the period of service therewith for which such member was originally commissioned, enlisted, inducted or called: Provided further,

33. That the amount of retirement pay to which any such member shall be entitled shall be calculated and determined as if such member has continued in the active service of the department at the rank or grade to him appertaining at the time of such commission, induction, enlistment or call, during a period coextensive with the time such member shall have served with said armed forces pursuant to such commission, induction, enlistment or call. The superintendent of said department is authorized to transfer and pay each month into said death, disability and retirement fund from moneys that shall be appropriated for said department a sum equal to eighteen per cent of the aggregate of salary which all said members would have been entitled to receive had they continued in the active service of said department during a period coextensive with the time such members shall have served with said armed forces pursuant to said commission, induction, 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 21st 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