WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 324

(By Mr. Shriver, Mr. De Minis, and Mr. Heur)

PASSED February 24, 1972

In Effect July 1, 1972
ENROLLED

House Bill No. 894
(By Mr. Speaker, Mr. McManus, and Mr. Lohr)

[Passed February 24, 1972; in effect July 1, 1972.]

AN ACT to amend and reenact sections twenty-eight, twenty-eight-f and twenty-eight-h, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to retirement awards and benefits for members of the department of public safety and widows and dependents thereof.

Be it enacted by the Legislature of West Virginia:

That sections twenty-eight, twenty-eight-f and twenty-eight-h, 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:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.


(a) The retirement board shall retire any member of the department of public safety when such member shall have attained the age of fifty-five years and shall have completed twenty-five years of service as a member of said department, or

(2) Has completed twenty-five years of service as a member of said department and shall have attained the age of fifty-five years, or

(3) Has attained the age of fifty-five years and shall have completed twenty-five years of service as a member of said department.

(b) The retirement board shall retire any member of said department of public safety when such member shall...
have lodged with the secretary of the retirement board the voluntary petition in writing of such member for retirement, and

(1) Has or shall have completed not less than twenty-five years of service as a member of said department, or

(2) Has or shall have attained the age of fifty years and has or shall have completed not less than twenty years of service as a member of said department, or

(3) Being under the age of fifty years has or shall have completed twenty years of service as a member of said department.

(c) When the retirement board shall retire any member under any of the foregoing provisions of this section, said board shall, by order in writing, make an award directing that such member shall be entitled to receive annually and that there shall be paid to such member from the death, disability and retirement fund in equal monthly installments during the natural lifetime of such member while in status of retirement one or the other of two amounts, whichever shall be the greater, namely:

(1) Either an amount equal to four percent of the aggregate of salary paid to such member during the whole period of service as a member of the department of public safety; or

(2) The sum of two thousand four hundred dollars.

It is provided, however, that when a member has or shall have served twenty years or longer but less than twenty-five years as a member of said department and shall be retired under any of the provisions of this section before he shall have attained the age of fifty years, payment of monthly installments of the amount of retirement award to such member shall commence on the date such member shall attain the age of fifty years.

§15-2-28f. Awards and benefits to dependents of member—When member dies in performance of duty, etc.

The widow or the children under the age of eighteen years or dependent parent or parents of any member who
has lost or shall lose his life by reason of injury, illness
or disease resulting from an occupational risk or hazard
inherent in or peculiar to the service required of members
while such member was or shall be engaged in the per-
formance of his duties as a member of said department
or if said member shall die from any cause after having
been retired pursuant to the provisions of section twenty-
eight-b of this article, shall be entitled to receive and shall
be paid from the death, disability and retirement fund
benefits as follows: To the widow annually, in equal
monthly installments during her lifetime or until her
remarriage one or the other of two amounts, whichever
shall be the greater, namely:

(1) An amount equal to two and one-half percent of
the total salary which would have been earned by said
deceased member during twenty-five years of service in
said department based on his average earnings while em-
ployed as a member of said department.

(2) The sum of one thousand two hundred dollars.

In addition thereto such widow shall be entitled to
receive and there shall be paid to her thirty dollars
monthly for each child until such child shall attain the
age of eighteen years. If such widow shall die or remarry
or if there be no widow there shall be paid monthly to
such child or children from the death, disability and re-
irement fund the sum of thirty dollars each until such
child or children shall respectively attain the age of
eighteen years. If there be no widow and no child or
children, there shall be paid annually in equal monthly
installments from said death, disability and retirement
fund to the dependent parents of said deceased member
during their joint lifetimes a sum equal to the amount
which a widow, without children, would have received:

Provided, That when there shall be but one dependent
parent surviving, such parent shall be entitled to receive
during his or her lifetime one half the amount which both
parents, if living, would have been entitled to receive.
§15-2-28h. Same—When member dies after retirement or after serving twenty years.

1 When any member of said department has heretofore completed or hereafter shall complete twenty years of service or longer as a member of said department and has died or shall die from any cause or causes other than those specified in section twenty-eight-b of this article before having been retired by the retirement board, and when a member in retirement status has died or shall die after having been retired by the retirement board under the provisions of section twenty-eight of this article, there shall be paid annually in equal monthly installments from said fund to the widow of said member, commencing on the date of the death of said member and continuing during her lifetime or until remarriage an amount equal to one half the retirement benefits said deceased member was receiving while in status of retirement, or would have been entitled to receive to the same effect as if such member had been retired under the provisions of section twenty-eight of this article immediately prior to the time of his death; and in addition thereto said widow shall be entitled to receive and there shall be paid to her from said fund the sum of twenty dollars monthly for each child under the age of eighteen years until such child or children respectively shall attain the age of eighteen years. If such widow die or remarry, or if there be no widow there shall be paid monthly from said fund to each child under the age of eighteen years of said deceased member the sum of thirty dollars until such child or children respectively attain the age of eighteen years. If there be no widow or no widow eligible to receive benefits and no child or children there shall be paid annually in equal monthly installments from said fund to the dependent parents of said deceased member during their joint lifetimes a sum equal to the amount which a widow without children would have been entitled to receive: Provided, That when there shall be but one dependent parent surviving such parent shall be entitled to receive during his or her lifetime one half the amount which both parents, if living, would have been entitled to receive.
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.

In Effect July 1, 1972.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 3rd day of March, 1972.

Governor