

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 894

(By Mr. Speaker Mr. Williams Jr. and Mr. Hoar)



PASSED February 24 1972

In Effect July 1, 1972 Passage



FILED IN THE OFFICE
OF THE CLERK OF THE HOUSE
OF REPRESENTATIVES
SECRETARY OF STATE
THIS DATE 3-8-72

894

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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.

§15-2-28. Retirement; awards and benefits.

- 1 (a) The retirement board shall retire any member of
- 2 the department of public safety when such member
- 3 (1) Shall have attained the age of fifty-five years and
- 4 shall have completed twenty-five years of service as a
- 5 member of said department, or
- 6 (2) Has completed twenty-five years of service as a
- 7 member of said department and shall have attained the
- 8 age of fifty-five years, or
- 9 (3) Has attained the age of fifty-five years and shall
- 10 have completed twenty-five years of service as a member
- 11 of said department.
- 12 (b) The retirement board shall retire any member of
- 13 said department of public safety when such member shall

14 have lodged with the secretary of the retirement board
15 the voluntary petition in writing of such member for re-
16 tirement, and

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

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

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

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

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

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

40 It is provided, however, that when a member has or
41 shall have served twenty years or longer but less than
42 twenty-five years as a member of said department and
43 shall be retired under any of the provisions of this sec-
44 tion before he shall have attained the age of fifty years,
45 payment of monthly installments of the amount of retire-
46 ment award to such member shall commence on the date
47 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.**

1 The widow or the children under the age of eighteen
2 years or dependent parent or parents of any member who

3 has lost or shall lose his life by reason of injury, illness
4 or disease resulting from an occupational risk or hazard
5 inherent in or peculiar to the service required of members
6 while such member was or shall be engaged in the per-
7 formance of his duties as a member of said department
8 or if said member shall die from any cause after having
9 been retired pursuant to the provisions of section twenty-
10 eight-b of this article, shall be entitled to receive and shall
11 be paid from the death, disability and retirement fund
12 benefits as follows: To the widow annually, in equal
13 monthly installments during her lifetime or until her
14 remarriage one or the other of two amounts, whichever
15 shall be the greater, namely:

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

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

22 In addition thereto such widow shall be entitled to
23 receive and there shall be paid to her thirty dollars
24 monthly for each child until such child shall attain the
25 age of eighteen years. If such widow shall die or remarry
26 or if there be no widow there shall be paid monthly to
27 such child or children from the death, disability and re-
28 tirement fund the sum of thirty dollars each until such
29 child or children shall respectively attain the age of
30 eighteen years. If there be no widow and no child or
31 children, there shall be paid annually in equal monthly
32 installments from said death, disability and retirement
33 fund to the dependent parents of said deceased member
34 during their joint lifetimes a sum equal to the amount
35 which a widow, without children, would have received:
36 *Provided*, That when there shall be but one dependent
37 parent surviving, such parent shall be entitled to receive
38 during his or her lifetime one half the amount which both
39 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
2 completed or hereafter shall complete twenty years of
3 service or longer as a member of said department and
4 has died or shall die from any cause or causes other than
5 those specified in section twenty-eight-b of this article
6 before having been retired by the retirement board, and
7 when a member in retirement status has died or shall
8 die after having been retired by the retirement board
9 under the provisions of section twenty-eight of this ar-
10 ticle, there shall be paid annually in equal monthly
11 installments from said fund to the widow of said mem-
12 ber, commencing on the date of the death of said member
13 and continuing during her lifetime or until remarriage
14 an amount equal to one half the retirement benefits said
15 deceased member was receiving while in status of re-
16 tirement, or would have been entitled to receive to
17 the same effect as if such member had been retired under
18 the provisions of section twenty-eight of this article
19 immediately prior to the time of his death; and in addi-
20 tion thereto said widow shall be entitled to receive
21 and there shall be paid to her from said fund the sum
22 of twenty dollars monthly for each child under the age
23 of eighteen years until such child or children respectively
24 shall attain the age of eighteen years. If such widow
25 die or remarry, or if there be no widow there shall be
26 paid monthly from said fund to each child under the
27 age of eighteen years of said deceased member the sum
28 of thirty dollars until such child or children respectively
29 attain the age of eighteen years. If there be no widow
30 or no widow eligible to receive benefits and no child
31 or children there shall be paid annually in equal monthly
32 installments from said fund to the dependent parents of
33 said deceased member during their joint lifetimes a sum
34 equal to the amount which a widow without children
35 would have been entitled to receive: *Provided*, That when
36 there shall be but one dependent parent surviving such
37 parent shall be entitled to receive during his or her life-
38 time one half the amount which both parents, if living,
39 would have been entitled to receive.

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

James H. Beane
Chairman Senate Committee

Phyllis B. Rutledge
Chairman House Committee

Originated in the House.

In Effect July 1, 1972.

Howard E. Coleman
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Edw. B. B. B. B.
President of the Senate

Lewis F. McManus
Speaker House of Delegates

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

Arch A. Shaw, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/28/72

Time 9:57 a.m.

MAR 3 4 14 PM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA