

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 111

(By Mr. Senclouson)



PASSED March 9, 1935

In Effect from Passage

111

ENROLLED
Senate Bill No. 111

(BY MR. HENDERSON)

[Passed March 9, 1935; in effect from passage.]

AN ACT to amend and reenact sections twenty-seven and twenty-eight, article two, chapter fifteen, of the code of West Virginia, one thousand nine hundred thirty-one, providing for a death, disability, and retirement fund for the members of the department of public safety of West Virginia and dependent members of their families, and providing for pensions for retired or disabled members of the department of public safety or dependent members of their families and making provision for a pension fund board to control and disburse such fund.

Be it enacted by the Legislature of West Virginia:

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

Section 27. There is hereby created a death, disability, and
2 retirement fund for the benefit of members of the department
3 of public safety, or any dependent of a member or former
4 member thereof. Into such fund shall be paid such amounts
5 as have heretofore been collected by the superintendent of the
6 department of public safety on account of fees for arrests,
7 rewards, or from any other source permitted by law. There
8 shall be paid into such fund such amounts arising in the future
9 from the above named or any other sources permitted by law,
10 designated by the superintendent of the department of public
11 safety, except that no part of any fine shall be paid thereinto.
12 There shall be deducted from the monthly payroll of each
13 member of the department of public safety four per centum
14 of the amount of his salary, and an additional four per cent
15 of the monthly salary of each member of the department of
16 public safety shall be paid by the state of West Virginia out of
17 the biennial appropriation for said department, which shall be

18 paid into such fund. Any money so collected by the superin-
19 tendent of the department of public safety shall be turned over
20 to the state treasury, and the treasurer and auditor shall keep a
21 separate account thereof on their books. Such funds shall be
22 invested by the state board of public works in bonds of the
23 government of the United States, the state of West Virginia, or
24 any political subdivision thereof.

Sec. 28 (a) The board of commissioners created by section
2 twenty, article two, chapter fifteen of the code of West Vir-
3 ginia, one thousand nine hundred thirty-one, and the super-
4 intendent of the department of public safety shall constitute
5 a pension fund board and shall have the power to make awards
6 or to revise awards previously made for such times and under
7 such terms and conditions as are hereinafter provided for, and
8 shall make all necessary rules and regulations regarding the
9 same not inconsistent with this act.

10 (b) Any member of the department of public safety who
11 has served in said department for a period of twenty years
12 and who has reached the age of fifty-five years, upon applica-
13 tion by said member to the superintendent of said department,
14 together with certificate of service and with the approval of

15 the board of commissioners, shall be retired and shall thereupon
16 receive annually, in monthly installments, from said pension
17 fund an amount equal to two per centum of the total salary
18 earned by him during his service in the department.

19 (c) Any member of said department of public safety who
20 has heretofore received or who may hereafter receive permanent
21 disability in the performance of his duty shall upon certificate
22 of disability of a physician designated for the purpose by the
23 board of commissioners, be retired upon an annual pension of
24 not less than one nor more than two per centum of twenty
25 years salary based on his average earnings while employed by
26 the department.

27 (d) The widow or children under the age of sixteen years,
28 or sole dependent parent of any member of the department
29 of public safety who shall have heretofore or shall hereafter
30 lose his life in the performance of his duty, or where death
31 results from injury received in the performance of duty, shall
32 receive an annual pension that shall not exceed two per centum
33 of twenty years' salary based on his average earnings while
34 employed by the department: *Provided*, That in case of a
35 widow and children such pension shall be for the widow and

36 the children and shall be paid to the widow, and in case there
37 are three or more children under the age of sixteen years and
38 no widow, the said children shall receive the pension in equal
39 shares until they attain the age of sixteen years, and in case
40 there are two children under the age of sixteen years and
41 widow, they shall be paid such pension, but not to exceed fifteen
42 dollars monthly each, until they attain the age of sixteen years,
43 and in the case of only one child and no widow, he or she shall
44 be paid such pension, but not to exceed fifteen dollars monthly,
45 until he or she attains the age of sixteen years: *Provided fur-*
46 *ther*, That in case there is no widow and no children under
47 the age of sixteen years then such pension shall be paid to the
48 parent or parents dependent upon the deceased member:
49 *Provided further*, That if any widow entitled to a pension
50 aforesaid dies or remarries, then such pensions shall cease to be
51 paid to such widow, or her estate, but shall be paid to each of
52 said children, or child, until they reach the age of sixteen years.
53 No such child shall receive more than fifteen dollars per month.

54 (e) Any member of the department of public safety who is
55 released or who severs his connection with the department of
56 public safety and who has served two full years or more with

57 the department, shall, upon request, be refunded all deductions
58 made from his salary, but without interest, on account of this
59 fund. But in the event that such refund is made, and such
60 member subsequently reenlists, no credit shall be allowed to
61 him for any former service. If any member is released or
62 severs his connection with the department before he has served
63 two full years, he shall forfeit his right to have refunded to
64 him any such deductions.

65 (f) All outstanding annuities shall be paid from the current
66 income to such fund and from the interest on or income from
67 an accumulated fund amounting to one hundred and seven
68 thousand dollars.

69 (g) All future awards from such fund shall be valued annu-
70 ally and reserves based on sound actuarial principles for their
71 payment shall be carried on the funds account as a liability
72 against the general fund.

73 (h) An adequate system of accounting shall be installed and
74 kept so as to insure a proper record of all transactions in a
75 detailed record of all contributions and refunds, dates of en-
76 listments, time served, and all releases of members.

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

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage.

Abraham Miller

Clerk of the Senate

Mo. St. Hall

Clerk of the House of Delegates

Chas. E. Hoops

President of the Senate

John P. Bell

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

.....
Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**

Wm. S. O'BRIEN,
Secretary of State

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March,

1935.


SECRETARY OF STATE