WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. III

(By Mr. [Signature])

PASSED March 9, 1935

In Effect from Passage
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 retirement fund for the benefit of members of the department of public safety, or any dependent of a member or former member thereof. Into such fund shall be paid such amounts as have heretofore been collected by the superintendent of the department of public safety on account of fees for arrests, rewards, or from any other source permitted by law. There shall be paid into such fund such amounts arising in the future from the above named or any other sources permitted by law, designated by the superintendent of the department of public safety, except that no part of any fine shall be paid thereinto. There shall be deducted from the monthly payroll of each member of the department of public safety four per centum of the amount of his salary, and an additional four per cent of the monthly salary of each member of the department of public safety shall be paid by the state of West Virginia out of the biennial appropriation for said department, which shall be
paid into such fund. Any money so collected by the superintendent of the department of public safety shall be turned over to the state treasury, and the treasurer and auditor shall keep a separate account thereof on their books. Such funds shall be invested by the state board of public works in bonds of the government of the United States, the state of West Virginia, or any political subdivision thereof.

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

(b) Any member of the department of public safety who has served in said department for a period of twenty years and who has reached the age of fifty-five years, upon application by said member to the superintendent of said department, together with certificate of service and with the approval of
the board of commissioners, shall be retired and shall thereupon receive annually, in monthly installments, from said pension fund an amount equal to two per centum of the total salary earned by him during his service in the department.

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

(d) The widow or children under the age of sixteen years, or sole dependent parent of any member of the department of public safety who shall have heretofore or shall hereafter lose his life in the performance of his duty, or where death results from injury received in the performance of duty, shall receive an annual pension that shall not exceed two per centum of twenty years' salary based on his average earnings while employed by the department: Provided, That in case of a widow and children such pension shall be for the widow and
Enrolled S. B. No. 111] 5

the children and shall be paid to the widow, and in case there
are three or more children under the age of sixteen years and
no widow, the said children shall receive the pension in equal
shares until they attain the age of sixteen years, and in case
there are two children under the age of sixteen years and
widow, they shall be paid such pension, but not to exceed fifteen
dollars monthly each, until they attain the age of sixteen years,
and in the case of only one child and no widow, he or she shall
be paid such pension, but not to exceed fifteen dollars monthly,
until he or she attains the age of sixteen years: *Provided fur-
ther*, That in case there is no widow and no children under
the age of sixteen years then such pension shall be paid to the
parent or parents dependent upon the deceased member:
*Provided further*, That if any widow entitled to a pension
aforesaid dies or remarries, then such pensions shall cease to be
paid to such widow, or her estate, but shall be paid to each of
said children, or child, until they reach the age of sixteen years.
No such child shall receive more than fifteen dollars per month.
(e) Any member of the department of public safety who is
released or who severs his connection with the department of
public safety and who has served two full years or more with
the department, shall, upon request, be refunded all deductions made from his salary, but without interest, on account of this fund. But in the event that such refund is made, and such member subsequently reenlists, no credit shall be allowed to him for any former service. If any member is released or severs his connection with the department before he has served two full years, he shall forfeit his right to have refunded to him any such deductions.

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

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

(h) An adequate system of accounting shall be installed and kept so as to insure a proper record of all transactions in a detailed record of all contributions and refunds, dates of enlistments, 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 W Vickers  
Chairman House Committee

Originated in the Senate  
Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Cas. E. Hedges  
President of the Senate

John 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.  
Wm. S. O'Brien,  
Secretary of State  
MAR 15 1935
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.

[Signature]

SECRETARY OF STATE