WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 91

(By Mr. Speaker, Mr. Thomas)

PASSED Feb. 24, 1939

In Effect July 1, 1939
ENROLLED

House Bill No. 91

(BY MR. SPEAKER, MR. THOMAS)

[Passed February 27, 1939; in effect July 1, 1939.]

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, as last amended by chapter twenty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and by chapter ninety-one, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to a death, disability and retirement fund for members of the department of public safety and dependent members of their families, and relating to pensions for retired or disabled members of the department of public safety or dependent members of their families, and relating to 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, as last amended, be amended and reenacted to read as follows:

Article 2. Department of Public Safety.

Section 27. Death, Disability and Retirement Fund. 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 arrest, 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 six per cent of the amount of his salary, and an additional six 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.

In the event the awards authorized by the pension fund board in any year exceed the amount derived from interest on investments, the superintendent is hereby empowered to transfer sufficient funds from the current expense appropriation of the department to the pension fund to meet the deficit.

Sec. 28. Pension Fund Board; Payments from Fund. (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 three per cent of the total salary earned by him during his service in the department:

Provided, however, That any member of the department who has served in the department for a period of twenty years and who in the opinion of the pension fund board is incapable of performing his duties as a member of the department due to physical or other handicaps or defects, may be retired notwithstanding the fact that he may not have reached the age of fifty-five years, and shall thereupon receive annually, in monthly installments, from said pension fund an amount to be fixed by the pension fund board, but such amount shall in no case exceed three per cent of the total salary earned by him
during his service in the department.

(c) Any member of said department of public safety who
has heretofore received or who may hereafter receive perma-
nent disability in the performance of his duty shall, upon
certificate of disability of a physician designated for the pur-
pose by the board of commissioners, be retired upon an annual
pension of not less than two nor more than five per cent of
twenty years’ salary based on his average earnings while
employed by the department; Provided, That in no case shall
the total amount received be more than the total amount re-
ceived when regularly employed as a member of the depart-
ment.

(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 cent of
twenty years’ salary based on his average earnings while em-
ployed by the department; Provided, That in case of a widow
and children such pension shall be for the widow and 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 further, 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 en-
titled 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 annually 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.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1939

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...this the...day of...March...1933.

Governor

Filed in the office of the Secretary of State of West Virginia...MAR 7 1939

Wm. S. O'Brien,
Secretary of State