AN ACT to amend and reenact section twenty-seven, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the death, disability and retirement fund of the department of public safety; providing for fees to which members of said department shall be entitled, and may claim on account of said department of public safety for services rendered by such members in criminal cases and requiring such fees to be deposited in and credited to said death, disability and retirement fund; and continuing said death, disability and retirement fund and the retirement board and functions thereof heretofore established.
Be it enacted by the Legislature of West Virginia:

That section twenty-seven, 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.

Section 27. Death, Disability and Retirement Fund; Fees to Which Members Entitled; Fees to Be Deposited in Said Fund; Retirement Board.—There shall be continued the death, disability and retirement fund heretofore created for the benefit of members of the department of public safety, and any dependent of a retired or deceased 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, court attendance and mileage, seizures, rewards, or from any other source permitted by law. For official services rendered in any criminal case, a member of the department of public safety shall be entitled to receive the same fees as a constable is entitled to receive for the same services pursuant to section twelve, article seventeen, chapter fifty of this code, when such fees are
actually paid by or for the defendant in such criminal case, pursuant to the order made and entered therein, to the justice of the peace, the clerk of the court, or other officer for the services of such member: **Provided, That** (1) such fees may be claimed and received by the member only for the account of said department; (2) all fees collected by a member pursuant to this section shall in every instance be remitted by such member to the superintendent of said department and deposited in the state treasury to the credit of said death, disability and retirement fund; and, (3) the superintendent of said department shall promulgate regulations to assure disposition, in the manner herein provided, of all fees received by members pursuant to this section: **Provided, however,** That under no circumstances shall any member of the department of public safety be entitled to any mileage fees for services rendered in criminal cases and under no circumstances shall any county court or municipal corporation be required to pay any fees or costs which the county court would be required to pay were the services rendered by a constable. There shall be paid into said death, dis-
ability and retirement fund all amounts arising in the 
future from the above-named sources and any other 
sources that may be designated by the superintendent of 
said department and permitted by law, except that no 
part of any fine shall be paid into said death, disability 
and retirement fund.

There shall be deducted from the monthly payroll of 
each member of the department of public safety and paid 
into such fund six per cent of the amount of his salary, 
and an additional twelve per cent of the monthly salary 
of each member of said department shall be paid by the 
state of West Virginia monthly into such fund out of 
the biennial appropriation for said department. All 
moneys payable into such fund shall be deposited in the 
state treasury, and the treasurer and auditor shall keep 
a separate account thereof on their respective books.

The death, disability and retirement fund shall be ad-
ministered by a retirement board which shall consist of 
the attorney general, state treasurer, the superintendent 
and two members in active service of the department of 
public safety: Provided, That members of said retire-
ment board shall not be entitled to receive any compensation in addition to the salary of their respective offices for any service rendered as a member of said retirement board: Provided further, That the superintendent may pay out of funds appropriated for operation of said department the reasonable expenses of members of said board necessarily incurred in connection with dispatch of any business properly before such board. The two members of said department shall be elected to membership on the retirement board by vote of the members of the department of public safety; such election to be held on the first Tuesday in June next following the passage of this act and on the first Tuesday in June each two years thereafter. The attorney general, state treasurer and the superintendent of the department of public safety shall promulgate any and all necessary rules and regulations for holding in a fair and impartial manner the election on the first Tuesday in June next following the passage of this act and thereafter the retirement board consisting of the attorney general, state treasurer, superintendent and the two duly elected members of said de-
partment shall have authority to promulgate and, from
time to time, revise rules and regulations for holding
all subsequent elections in a fair and impartial manner.
All elections shall be held under the direction of the
superintendent of said department in accordance with
said rules and regulations. The members of the depart-
ment chosen to serve on said retirement board shall hold
office for a period of two years commencing on the first
day of July next following the date of such election.
When any member elected to the retirement board shall
die, resign from the board, resign or be discharged from
service in the department, make application for retire-
ment, be retired, or become disabled, the office of such
member of the retirement board shall be declared vacant
by the superintendent of said department, and said super-
intendent, to fill such vacancy, shall appoint the mem-
der in active service of said department who as an un-
successful candidate at the preceding election of members
to said retirement board received the greatest number of
votes. No member of the retirement board shall par-
ticipate in any hearing at which his own petition for
retirement or the petition of any member of said department who is related to him by blood or marriage shall be presented for consideration.

At its first meeting following each election of members to the retirement board said board shall elect one of its members to serve as chairman and a second member to serve as secretary thereof. The retirement board shall have the power to make rules and regulations, not inconsistent with the provisions hereof, governing procedure and order and manner of business by and before such board. The retirement board shall have the power to make awards and to revise and terminate awards previously made for such times and under such terms and conditions as are hereinafter provided. The votes of a majority of the five members of the board shall be necessary to decision of any matter by the board. Decisions made by the board shall be supreme and final and there shall be no appeal therefrom.

It shall be the duty of the retirement board on or before the first day of July of each year to cause all future awards from such fund to be valued and, to the extent
that moneys shall be available, reserves based on sound
actuarial principles for payment thereof to be carried on
the funds account as a liability against the reserve fund.
The board shall have authority to employ an actuary for
such purpose. The board shall cause a system of account-
ing to be installed and maintained to reflect currently and
truly all transactions or developments pertaining to age
of members and eligible dependents surviving deceased
members, periods of service and aggregate earnings of
all members eligible to participate in said fund and any
other matter relating to maintenance of said fund or ad-
ministration thereof, and each year to cause to be made
and submitted to each member of said department a state-
ment of the condition of said fund. Costs and expenses
incurred in making actuarial studies, audits and installa-
tions and maintenance of such accounting system shall
be paid by the superintendent from funds appropriated
for operation of the department of public safety.
All moneys paid into and accumulated in said death,
disability and retirement fund, except such amounts as
shall be designated or set aside by the retirement board
for payments of death, disability and retirement benefits
and awards, 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 selected or approved by the retirement board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Pasken
Chairman Senate Committee

J. Jettie L. Caudell
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard Weyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Martin
President of the Senate

W. W. Singleton, Jr.
Speaker House of Delegates

The within approved this the 7th day of February, 1964.

Governor