

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1964



ENROLLED

HOUSE BILL No. 8

(By Mr. Speaker, Mr. Singleton,
and Mr Board)



PASSED February 3 1964

In Effect From Passage



FILED IN THE OFFICE OF
JOE F. BURBETT
SECRETARY OF STATE
THIS DATE 2-7-64

#8

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House Bill No. 8

(By MR. SPEAKER, MR. SINGLETON, and MR. BOARD)

[Passed February 3, 1964; in effect from passage.]

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;

2 Fees to Which Members Entitled; Fees to Be Deposited in

3 Said Fund; Retirement Board.—There shall be continued

4 the death, disability and retirement fund heretofore

5 created for the benefit of members of the department of

6 public safety, and any dependent of a retired or deceased

7 member thereof. Into such fund shall be paid such

8 amounts as have heretofore been collected by the superin-

9 tendent of the department of public safety on account of

10 fees for arrest, court attendance and mileage, seizures,

11 rewards, or from any other source permitted by law.

12 For official services rendered in any criminal case, a mem-

13 ber of the department of public safety shall be entitled to

14 receive the same fees as a constable is entitled to receive

15 for the same services pursuant to section twelve, article

16 seventeen, chapter fifty of this code, when such fees are

17 actually paid by or for the defendant in such criminal
18 case, pursuant to the order made and entered therein, to
19 the justice of the peace, the clerk of the court, or other
20 officer for the services of such member: *Provided*, That
21 (1) such fees may be claimed and received by the mem-
22 ber only for the account of said department; (2) all fees
23 collected by a member pursuant to this section shall in
24 every instance be remitted by such member to the super-
25 intendent of said department and deposited in the state
26 treasury to the credit of said death, disability and retire-
27 ment fund; and, (3) the superintendent of said depart-
28 ment shall promulgate regulations to assure disposition,
29 in the manner herein provided, of all fees received by
30 members pursuant to this section: *Provided, however*,
31 That under no circumstances shall any member of the
32 department of public safety be entitled to any mileage
33 fees for services rendered in criminal cases and under no
34 circumstances shall any county court or municipal corpora-
35 tion be required to pay any fees or costs which the county
36 court would be required to pay were the services rendered
37 by a constable. There shall be paid into said death, dis-

38 ability and retirement fund all amounts arising in the
39 future from the above-named sources and any other
40 sources that may be designated by the superintendent of
41 said department and permitted by law, except that no
42 part of any fine shall be paid into said death, disability
43 and retirement fund.

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

54 The death, disability and retirement fund shall be ad-
55 ministered by a retirement board which shall consist of
56 the attorney general, state treasurer, the superintendent
57 and two members in active service of the department of
58 public safety: *Provided*, That members of said retire-

59 ment board shall not be entitled to receive any compen-
60 sation in addition to the salary of their respective offices
61 for any service rendered as a member of said retirement
62 board: *Provided further*, That the superintendent may
63 pay out of funds appropriated for operation of said de-
64 partment the reasonable expenses of members of said
65 board necessarily incurred in connection with dispatch
66 of any business properly before such board. The two
67 members of said department shall be elected to member-
68 ship on the retirement board by vote of the members
69 of the department of public safety; such election to be
70 held on the first Tuesday in June next following the pas-
71 sage of this act and on the first Tuesday in June each two
72 years thereafter. The attorney general, state treasurer
73 and the superintendent of the department of public safety
74 shall promulgate any and all necessary rules and regula-
75 tions for holding in a fair and impartial manner the elec-
76 tion on the first Tuesday in June next following the
77 passage of this act and thereafter the retirement board
78 consisting of the attorney general, state treasurer, super-
79 intendent and the two duly elected members of said de-

80 partment shall have authority to promulgate and, from
81 time to time, revise rules and regulations for holding
82 all subsequent elections in a fair and impartial manner.
83 All elections shall be held under the direction of the
84 superintendent of said department in accordance with
85 said rules and regulations. The members of the depart-
86 ment chosen to serve on said retirement board shall hold
87 office for a period of two years commencing on the first
88 day of July next following the date of such election.
89 When any member elected to the retirement board shall
90 die, resign from the board, resign or be discharged from
91 service in the department, make application for retire-
92 ment, be retired, or become disabled, the office of such
93 member of the retirement board shall be declared vacant
94 by the superintendent of said department, and said super-
95 intendent, to fill such vacancy, shall appoint the mem-
96 ber in active service of said department who as an un-
97 successful candidate at the preceding election of members
98 to said retirement board received the greatest number of
99 votes. No member of the retirement board shall par-
100 ticipate in any hearing at which his own petition for

101 retirement or the petition of any member of said depart-
102 ment who is related to him by blood or marriage shall be
103 presented for consideration.

104 At its first meeting following each election of members
105 to the retirement board said board shall elect one of its
106 members to serve as chairman and a second member to
107 serve as secretary thereof. The retirement board shall
108 have the power to make rules and regulations, not in-
109 consistent with the provisions hereof, governing pro-
110 cedure and order and manner of business by and before
111 such board. The retirement board shall have the power
112 to make awards and to revise and terminate awards
113 previously made for such times and under such terms
114 and conditions as are hereinafter provided. The votes
115 of a majority of the five members of the board shall be
116 necessary to decision of any matter by the board. Decisions
117 made by the board shall be supreme and final and there
118 shall be no appeal therefrom.

119 It shall be the duty of the retirement board on or be-
120 fore the first day of July of each year to cause all future
121 awards from such fund to be valued and, to the extent

122 that moneys shall be available, reserves based on sound
123 actuarial principles for payment thereof to be carried on
124 the funds account as a liability against the reserve fund.
125 The board shall have authority to employ an actuary for
126 such purpose. The board shall cause a system of account-
127 ing to be installed and maintained to reflect currently and
128 truly all transactions or developments pertaining to age
129 of members and eligible dependents surviving deceased
130 members, periods of service and aggregate earnings of
131 all members eligible to participate in said fund and any
132 other matter relating to maintenance of said fund or ad-
133 ministration thereof, and each year to cause to be made
134 and submitted to each member of said department a state-
135 ment of the condition of said fund. Costs and expenses
136 incurred in making actuarial studies, audits and installa-
137 tions and maintenance of such accounting system shall
138 be paid by the superintendent from funds appropriated
139 for operation of the department of public safety.

140 All moneys paid into and accumulated in said death,
141 disability and retirement fund, except such amounts as
142 shall be designated or set aside by the retirement board

143 for payments of death, disability and retirement benefits
144 and awards, shall be invested by the state board of public
145 works in bonds of the government of the United States,
146 the state of West Virginia, or any political subdivision
147 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 Parker
Chairman Senate Committee

Little L. Caudall
Chairman House Committee

Originated in the House.

Takes effect *From* passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Larson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

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

W. W. Barron
Governor

