WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

- - -

ENROLLED

HOUSE BILL No. 4572

(By Mr. Speaker, Mr. Chambers, and)
Delegate Mansir
(By request of the Executive)

- - -

Passed ... March 11 ... 1988

In Effect ... From ... Passage

- - -
ENROLLED

H. B. 4572

(By Mr. Speaker, Mr. Chambers, and Delegate Swann)
[By request of the Executive]

[Passed March 11, 1988; in effect from passage.]

AN ACT to amend and reenact section twenty-six, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the department of public safety death, disability and retirement fund; providing for certain specified collections, fees and charges to be paid into such fund.

Be it enacted by the Legislature of West Virginia:

That section twenty-six, 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.


1 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.

2 There shall be deducted from the monthly payroll of each member of the department of public safety and paid into such fund six percent of the amount of his salary, and an additional twelve percent 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 annual appropriation for said department. There
shall also be paid into the fund, such amounts as have
previously been collected by the superintendent of the
department of public safety on account of payments to
members for court attendance and mileage, rewards for
apprehending wanted persons, fees for traffic accident
reports and photographs, fees for criminal investigation
reports and photographs, fees for criminal history
record checks, fees for criminal history record reviews
and challenges or from any other sources designated by
the superintendent. 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 moneys in this fund, and the right of a member
to a retirement allowance, to the return of contributions,
or to any benefit under the provisions of this article, are
hereby exempt from any state or municipal tax; shall
not be subject to the execution, garnishment, attachment
or any other process whatsoever; and shall be unassign-
able except as is provided in this article.

The death, disability and retirement fund shall be
administered by a retirement board which shall consist
of the attorney general, state treasurer, the superintend-
ent and two members in active service of the depart-
ment: Provided, That members of said retirement 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, however, 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 article 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
guidelines for holding in a fair and impartial manner
the election on the first Tuesday in June next following
the passage of this article and thereafter the retirement
board consisting of the attorney general, state treasurer,
superintendent and the two duly elected members of
said department 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
department 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 retirement, 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 superintendent, to fill such
vacancy, shall appoint the member in active service of
said department who as an unsuccessful candidate at the
preceding election of members to said retirement board
received the greatest number of votes. No member of the
retirement board shall participate 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 regula-
tions, 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 fund's account as a liability against the
reserve fund. The board shall have the authority to
employ an actuary for such purpose. The board shall
cause a system of accounting to be installed and
maintained to reflect currently and truly all transac-
tions 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
administration thereof, and each year to cause to be
made and submitted to each member of said department
a statement of the condition of said fund. Costs and
expenses incurred in making actuarial studies, audits
and installations 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
investments as provided by law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill is hereby approved this the 30th day of March, 1988.

Governor
PRESENTED TO
GOVERNOR
DATE 3/29/88
TIME 11:30 A.M.