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Creating

**INDIANA STATE POLICE
DEPARTMENT**

and

State Police Pension Fund

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JUNE, 1941

INDIANA STATE POLICE DEPARTMENT
(Acts 1933, Page 473)

AN ACT creating the Indiana state police, providing for members thereof, defining their powers and duties, transferring rights, powers, duties and authority of the secretary of state and his deputies under certain enumerated laws to the executive department and to the Indiana state police; transferring all property, equipment and supplies used by said deputies in the enforcement of the motor vehicle laws to the executive department for the use of the Indiana State Police; providing funds for the enforcement of this act and for the pay of members of Indiana state police; abolishing the office of deputies of the secretary of state for the enforcement of the motor vehicle laws, and repealing all laws in conflict herewith, and declaring an emergency. Approved February 28, 1933.

Department of state police--police board--superintendent--supplies--equipment.--1. There is hereby created the State Police Department, hereinafter referred to as "the department." The administration, management and control of said department is hereby vested in a board which shall be known as the State Police Board and shall consist of four (4) members, not more than two (2) of whom shall belong to the same political party. The present tenure of each member of the State Police Board is hereby terminated, and new members of said board shall be appointed immediately upon the taking effect of this act. Upon the taking effect of this act the governor shall appoint one (1) member of said board for a term of one (1) year and another member for a term of four (4) years, and one (1) member for a term of two (2) years and another member for a term of three (3) years. Thereafter all members of said board shall be appointed for terms of four (4) years each, except when appointed to fill vacancies for unexpired terms. All members appointed to said board shall serve during their respective terms and until their respective successors have been appointed and qualified. Any member of said board may be removed by the governor for inefficiency, incompetency or neglect of duty after he has been accorded a hearing by the governor upon reasonable notice of the charge being made against him.

As compensation for his service, each member of the board shall be entitled to receive the sum of ten dollars (\$10) per day for each and every day or fraction thereof during which he is engaged in transacting the business of the board, and, in addition thereto, his actual traveling and other expenses necessarily incurred in discharging the duties of his office. As soon as practicable after the members of the board shall have been appointed, they shall meet, upon the call of the governor, and shall organize by the election of a president and a secretary from among their own membership, each of whom shall serve for a term of one (1) year. Three (3) members of the board shall constitute a quorum for the transaction of business. The board shall hold such regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact the business of the department. The governor shall appoint a superintendent of the state police, who shall be the executive officer and who shall have general charge of the work of the department. The superintendent shall serve at the pleasure of the governor, and the salary of the superintendent shall be fixed by the governor, not to exceed six thousand dollars (\$6,000) per annum, to be paid by the month, and the superintendent shall be removable by the governor with or without cause. The Department of State Police shall be organized in conformity with such rules and regulations as shall be prescribed and adopted, from time to time, by the board. The superintendent shall be selected on the basis of training and experience, and shall have served at least five (5) years as a police executive, or have had five (5) years' experience in the management of military, semi-military or police bodies of men, to equip him for the position and shall possess training in police affairs or public administration. The superintendent shall also be the director of safety of the Division of Public Safety. All personal property, supplies and equipment which may be needed from time to time by the department shall be purchased by the Central Purchasing Department; all capital expenditures shall be made with the approval of the budget committee, and the salaries and compensation of the several police employees and other employees shall be fixed by the board, with the approval of the governor.

Wherever the term "Executive Department" is used in either of the acts mentioned in the title of this act, such

term shall be deemed to refer to the governor. Provided, That in all cases where such provisions referred to the "Executive Department" are in conflict with any provision of this act, the provisions of this act shall in all such cases govern.

There is hereby created for the purpose of this act the Division of Public Safety, which is hereby placed in charge of the superintendent as director of safety, and his duties in respect to said division shall be under the supervision of the governor. Said division is hereby placed in charge of the enforcement of the motor vehicle theft provisions contained in Chapter 265 of the Acts of the General Assembly of the State of Indiana for 1921, not including, however, the motor vehicle registration provisions contained in said Chapter 265 and the administration of which are therein placed under the secretary of state; also the enforcement of Section 6 of Chapter 304 of the Acts of the General Assembly of 1935; also the penalty sections of Chapter 287 of the Acts of the General Assembly for 1935 and of Chapter 300 of the Acts of the General Assembly for 1937 and of the penalty sections of any act concerning motor vehicles. (As amended, Acts 1941, page 376.)(47-801)*

Definitions.--2. As used in this act:

(a) Department shall mean the state police department created by this act, (b) Employee shall mean any employee of the department, (c) Police employee shall mean any employee who is assigned police work as a peace officer pursuant to section 14 of this act. (d) Civilian employee shall mean any employee assigned to a position other than one having police rank as a peace officer, (e) Board shall mean the state police board. (As amended, Acts 1935, Page 1463) (47-802.)

Rank--Grade--Classification--Duty of Superintendent--3. The superintendent, with the approval of the Board, shall establish a classification of ranks and grades and positions in the department, and for each rank, grade, and position he shall designate the authority and responsibility within the limits of this act. For each such rank, grade and

*Citations refer to sections of Burns Indiana Statutes, 1933 and supplements.

position so established, the superintendent shall set standards of qualifications in conformity with the most approved plans and standards adopted in other states, dominions and provinces, and he shall fix the prerequisites of training, education and experience; and the board shall, with the approval of (the) governor, prescribe the salaries to be paid. (As amended, Acts 1935, page 1463.) (47-803.)

Transfer of powers to department of state police.--4
All the rights, powers, duties and authority of the secretary of state or his deputies or his appointees of a police nature in all matters relative to the enforcement and the prevention of violations of the motor vehicle laws of the State of Indiana, to-wit:

"An act concerning automobiles, motor vehicles and other motor-driven vehicles," approved March 11, 1921, and all acts amendatory thereof and supplemental thereto; also "An act providing for the registration and licensing of motor vehicles, motor-bicycles, tractors, trailers and semi-trailers, for the regulation of the use and operation thereof on the public highways, defining chauffeurs and providing for the examination and licensing thereof, the suspension and revocation of licenses, and the transfer of ownership, requiring the keeping of certain records of motor vehicles, motor-bicycles and motor trucks for which storage, supplies or repairs are furnished, providing that liens may be taken thereon, and prescribing penalties for the violation thereof," approved March 14, 1925, and all acts amendatory thereof and supplemental thereto; also the administration of "An act prohibiting peace officers who are not in uniform and wearing badges of authority from making arrests for violation of the laws of this state and the ordinances of the cities and towns thereof; regulating the use and operation of motor vehicles on the public highways, prohibiting the taxation for or payment of any fee or any other charge to any peace officer for the arrest of any person for violation of any law or ordinance regulating the use and operation of motor vehicles on the public highways, restricting the jurisdiction of justices of the peace and officers of cities and towns to hear and try cases involving the violation of any law or ordinance regulating the use and operation of motor vehicles on the public highways, and prescribing a penalty for the violation thereof," approved March 8, 1927, and all acts

amendatory thereof and supplemental thereto; also the administration of "An act regulating the operation of vehicles on the public highways and streets of this state, and prescribing the powers and duties of certain public officials and employees in connection therewith," approved March 13, 1931, and all acts amendatory thereof and supplemental thereto; and also the administration of "An act creating a Bureau of Criminal Identification and Investigation in the office of secretary of state, prescribing its rights, powers and duties, and the rights, powers and duties of the officers and employees thereof, providing for the installation and maintenance of local identification systems and for the identification and prosecution of criminals and the investigation of crimes, prescribing the rights, powers and duties of certain officers in connection therewith and making an appropriation," approved March 10, 1927, and all acts amendatory thereof and supplemental thereto, are hereby transferred to the State Police Department, and hereafter all such rights, powers, duties and authority shall be performed by said department. (As amended, Acts 1941, Page 376.) (47-804).

Notices and reports to be made to state police department--5. Whenever in any act set out and referred to in Section 4 of this act, or in any act amendatory thereof, any notice or report concerning any matter in said section transferred to the State Police Department is required or authorized to be given to the secretary of state, the same shall be given to said State Police Department. (As amended, Acts 1941, page 376. (47-805.)

Authority transferred--6. From and after the passage of this act the secretary of state shall have no power or authority to appoint any deputy or deputies for the purpose of enforcing any of the motor vehicle laws of the state under the provisions of the acts enumerated in Section 4 hereof; and the appointment and commission of any and all deputies heretofore appointed by the secretary of state for such purpose, is hereby revoked and terminated, and such deputy or deputies shall no longer be officers of the State of Indiana, and any and all property, equipment and supplies used by said deputies in the enforcement of the motor vehicle laws of the state, be and the same is hereby transferred to the executive department for the use of the Indiana state Police.

(47-806. (Acts 1935, Page 1463)

AN ACT to amend Sections 1, 2, 3, 4, and 5 of an act entitled "An act creating the Indiana state police, providing for members thereof, defining their powers and duties, transferring rights, powers, duties and authority of the secretary of state and his deputies under certain enumerated laws to the executive department and to the Indiana state police; transferring all property, equipment and supplies used by said deputies in the enforcement of the motor vehicle laws to the executive department for the use of the Indiana State Police; providing funds for the enforcement of this act and for the pay of members of Indiana state police; abolishing the office of deputies of the secretary of state for the enforcement of the motor vehicle laws, and repealing all laws in conflict herewith, and declaring an emergency, approved February 28, 1933," and adding thereto supplemental sections relative to the appointment of personnel, training and discharge of employees, and for the establishment of stations and headquarters, amending the title of said act and repealing conflicting laws.

Personnel--appointment of superintendent--political activities--solicitation of campaign contributions--penalties--6. The superintendent shall, with the approval of the board and within the limits of any appropriation made available for such purpose, and subject only to the provisions of Section 7 hereof appoint such personnel to the ranks, grades, and positions of the department as are deemed by him to be necessary for the efficient administration of the department. Appointment, insofar as is consistent with the satisfaction of prescribed standards and prerequisites, shall be made to the ranks, grades, and positions of the department in such manner as to create, and maintain, in such ranks, grades, and positions a personnel of which not more than one-half are adherents of any one political party. If any of said ranks, grades or positions contains at any time more than one-half who are adherents of any one political party, then there shall be no person of such party appointed or promoted to such rank, grade or position so long as such condition exists. No person discharged from the department or withdrawing before the completion of the two (2) year period of appointment shall afterwards be eligible for reappointment. The superintendent shall devise and administer examinations designed to test applicants

in the qualifications required for the rank, grade, or position, and only those applicants shall be appointed who best meet the prescribed standards and prerequisites. All police employees appointed to the department shall be probationers and on probation for a period of one (1) year from the date of appointment.

Whoever being an appointee or an employee of the State Police Board, including the superintendent, participates in any manner in the activities or interests of any political party or of any candidate for public office or for the nomination therefor, or participates in any manner in any political campaign for the nomination or election of candidates for public office, other than by exerting his official duties and voting at the election, shall be guilty of a misdemeanor and shall be fined in a sum not less than one hundred dollars (\$100) or more than five hundred dollars (\$500), to which may be added imprisonment for a period not to exceed six months.

Whoever solicits or accepts from, any person who is an appointee or employee of the State Police Board including the superintendent, any money, property or thing of value as a contribution or gift to be used in support of any political campaign, political party, candidate for public office or for the nomination therefor, or for any political purpose, shall be deemed guilty of a misdemeanor and shall upon conviction be fined in a sum not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) to which may be added imprisonment for a period not to exceed six months. (As amended, Acts 1941, Page 376.) (47-820.)

Training school--training required.--7. The superintendent, with the approval of the board, is authorized and hereby directed to organize and maintain a training school for police employees of the department. No police employee shall be assigned to regular active duty until he shall have received training and successfully passed the course for probationers prescribed by the superintendent. Training courses other than for probationers shall be prescribed and conducted by the superintendent for all police employees of the department. (47-821.)

Rules and regulations--grading and ranking of employees.
--8. The superintendent, with the approval of the board, shall have authority to formulate and put into effect such rules and regulations for the government of the department as from time to time seem fit to him. He shall from time to time, in accordance with the rules and regulations promulgated by him, designate the rank or grade to be held by each employee of the department until such person shall be by him designated to hold another rank or grade, as provided in Section 6 hereof, or until his improper resignation as defined in Section 7 hereof. He shall have authority to assign and re-assign each employee of the department to serve at such stations and within the limits of this act to perform such duties as he shall designate. He shall have the authority to determine the conditions and amounts of bonds to be required in appropriate cases. (47-822.)

Employees--discharge--demotion--suspension--hearing.--9. The Superintendent may discharge, demote, or temporarily suspend any employee of the department for cause after preferring charges in writing. Any such employee so discharged shall upon request have the right to a public hearing before the board if the employee so demands within ten days of receiving notice of such charges. Such employee may be represented by counsel. The findings of the board shall be final. Probationers may be discharged without right to a hearing. No officer or enlisted man shall be discharged because of political affiliation, nor shall any police employee be discharged after his probationary period except as provided in this act. (47-823).

Uniforms--property lost or destroyed--liability.--10. The police board shall provide for the employees of the department, within the amount of appropriations therefor, the uniforms and equipment necessary to the performance of their respective duties, but all such uniforms and equipment shall remain the property of the state. The board shall have the authority to sell such uniforms and equipment with the consent of the governor as they shall become unfit for use, and all moneys received therefor shall be paid into the state treasury and credited to the general fund of the state. The board shall charge against any employee of the department the value of any property of the department lost or destroyed through carelessness or

neglect of such employee, and if it shall be determined by the board that such loss or destruction was due to carelessness or neglect, then the value of such equipment shall be deducted from the pay of such employee. (47-824.)

Expenses--payment--lodging and subsistence while on duty--11. The superintendent shall have the authority to approve vouchers in payment of expenses incurred by employees of the department in the discharge of their duties, and such vouchers shall be audited and paid out of the appropriations for the department in the manner provided by law. Allowances for lodging and subsistence while away from official station may be paid to the employees of the department under such terms and conditions as the superintendent may prescribe. The superintendent may provide lodging and subsistence for employees of the department at their official stations. (47-825.)

Note: By Chapter 59, Acts 1941, page 157, the state budget committee is authorized to fix per diem in lieu of traveling expenses, not to exceed \$6 per day.

Stations--motor equipment--disposition of property.--12. The superintendent, shall from time to time, establish headquarters and stations in such localities as he shall deem advisable for the enforcement of the laws of the state, and to that end and within the limits of appropriations he may purchase, lease or otherwise acquire suitable places, lands, buildings or rooms as local headquarters, and erect and equip such buildings and headquarters as may be necessary. He may also purchase or otherwise acquire motor equipment, horses, and other services, commodities and equipment deemed by him essential for the needs of the employees of the department in carrying out their duties. The superintendent may in his discretion discontinue any headquarters or stations, when such action seems to him to be desirable for the proper enforcement of the laws of the state. The superintendent shall also have the authority to purchase and install any approved standard mechanical devices or equipment for the instantaneous or rapid transmission or broadcasting of any information relative to crime or the apprehension of criminals. The superintendent, with the approval of the board, shall have the authority to sell, dispose of or destroy such property as shall have become unnecessary or unfit for further use by the department, and all such moneys

so received shall be paid into the state treasury and credited to the general fund of the state. Such authority as is vested in the superintendent in this section of this act shall be exercised with the approval of the board. (47-826.)

Note: Chapter 156, Acts 1941, page 480, provides for the sale of unused or obsolete tangible state property in charge of any board, commission, department or agency by the auditor of state.

Officers and employees--police powers.--14. The officers and police employees of the department are hereby vested with all necessary police powers to enforce the provisions of the laws of the State of Indiana for the regulation and use of automobiles, motor vehicles and other vehicles, and the laws for the safeguarding and protection of the surface or other physical portion of the highways of the State of Indiana, and without writ or warrant for violation thereof when committed in their presence, as is now had by deputies of the secretary of state under certain laws of the State of Indiana: Provided, however, That nothing herein shall be construed to prevent the Indiana state highway commission from adopting rules and regulations for the safeguarding of travel on the state highways of the state, not inconsistent with the laws of this state. It shall also be the duty of police employees of the department to prevent and detect crime, to apprehend criminals, to enforce the criminal and traffic laws of the state, and to perform such other related duties as may be imposed upon them by the laws of the state and for which appropriations are made, and to this end, police employees of the department shall be peace officers and shall have in any part of the state the same powers with respect to criminal matters and the enforcement of the laws relating thereto as sheriffs, constables and police officers have in their respective jurisdictions. Any warrant of arrest or search warrant issued by proper authority of the state may be executed by any police employee of the department in any part of the state according to the tenor thereof without endorsement. They shall be subject to the call of the governor and the governor or the executive department may from time to time, assign to the department such other police duties as the executive department may deem advisable or necessary, including the duties now performed by deputy fire marshals. They shall have full power to arrest, without

warrant, any person committing or attempting to commit in their presence or view a breach of the peace or any other violation of any of the laws of the State of Indiana. And, under order of the superintendent, they are empowered to cooperate with any other department of the State of Indiana or with local authorities. They shall not exercise their powers within the limits of any city in labor disputes, nor to suppress rioting and disorder except by direction of the governor, or upon the request of the mayor of any such city with the approval of the governor. And without the limits of any city of the state they shall not exercise their power and authority in labor disputes except by direction of the governor, or the request of the judge of the circuit court of the county with the approval of the governor. The control or direction of the officers or members of the department hereby created shall not be transferred or delegated to any other department, commission, agency or officer of the state or any subdivision thereof. (47-828.)

Fingerprinting.--15. The members of the department shall have the authority and duty to take fingerprints, and such other identification data as shall be prescribed by the superintendent of all persons taken into custody for offenses other than those arising solely out of violations of fish, game, conservation, traffic laws, or misdemeanors but such members of the department shall have the authority, if they deem it advisable, to take the fingerprints and such other identification data as shall be prescribed by the superintendent, of all persons taken into custody for offenses arising out of violations of fish, game conservation, traffic laws or misdemeanors and it shall be their duty to promptly transmit and file such fingerprints and other identification data as the superintendent may prescribe. (47-829).

Cooperation with other departments.--16. The employees of the department shall cooperate and exchange information with any other department or authority of the state or with other police forces, both within the state and outside it, and with federal police forces, toward the end of achieving greater success in preventing and detecting crimes and apprehending criminals. (47-830.)

Persons in charge of jails and prisons--duty to receive

prisoners.--17. Any person having charge of a jail, prison or reformatory or other place of detention shall receive any prisoner arrested by a police employee of the department within the jurisdiction served by such jail, and shall detain him in custody until otherwise ordered by a court of competent jurisdiction, or by the superintendent; and such person who shall refuse to so receive any prisoner or who, having received him, shall release him otherwise than as above specified, shall be subject to removal from office by the governor. (47-831.)

Construction of act.--18. This act shall be liberally construed, to the end that the criminal laws may be efficiently enforced and offenders promptly and certainly apprehended. (47-832.)

Provisions severable.--19. Should any section or provision of this act be held to be invalid by a court of competent jurisdiction, its invalidity shall not effect the validity of the act as a whole or any part thereof other than the portion so held to be invalid. (47-833.)

Title amended.--20. The title of said act of which this act is amendatory, being chapter 71 of the Acts of the General Assembly of the State of Indiana of 1933, is hereby amended to read as follows: An act creating the department of state police, providing for officers and members thereof, defining their powers and duties, transferring the rights, powers, duties and authority of the secretary of state and his deputies under certain enumerated laws to the executive department of the state and to the department of state police; transferring all property, equipment and supplies used by said deputies in the enforcement of the motor vehicle laws to the executive department for the use of the department of state police; providing funds for the enforcement of this act and for the pay of officers and members of the department of state police; abolishing the office of deputies of the secretary of state for the enforcement of the motor vehicle laws, and repealing all laws in conflict herewith and declaring an emergency.

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STATE POLICE PENSION FUND
(Acts 1937, page 294)

AN ACT enabling the department of state police to establish and operate a pension program for eligible employees.

State police--pension fund--terms defined--limitations--reports--contents--1. As used in this act, and unless a different meaning is plainly required by the context:

(a) The term "department" means the department of state police.

(b) The term "eligible employee" means any regular employee of the department.

(c) The term "employee beneficiary" means any eligible employee who has completed an application to become an employee beneficiary and made, or caused to be made, the proper deductions from his wages as required in the pension trust agreement.

(d) The term "trust fund" means the assets of the pension trust and shall consist of voluntary contributions from the department, moneys paid from the wages of employee beneficiaries, and any other payments or contributions made to the pension trust and the income and proceeds derived from the investment thereof.

(e) The term "the net amount paid into the trust fund from the wages of any employee beneficiary" means the amount of money actually paid in from the wages of such employee beneficiary, plus interest at the rate of three per cent compounded annually less any sums, plus interest at the same rate, paid from the trust fund to such employee beneficiary or to any person claiming by, through or under such employee beneficiary or to any government fund for the credit or benefit of such employee beneficiary.

(f) The term "trustee" means the trustee of the pension trust who may be either one or more corporation trustees or the treasurer of state serving under bond.

(g) The term "pension engineers" means any person, firm, or corporation of technical consultants competent and qualified to supervise and assist in the establishment, maintenance and operation of a pension trust on an actuarially sound basis.

(h) The term "pension trust" means the agreement between the department and the trustee under the terms of which an actuarially sound retirement pension plan is established and operated for the exclusive benefit of the employee beneficiaries subject to the following limitations:

(1) The normal retirement age may be earlier but not later than age seventy;

(2) Joint contributions shall be made to the trust fund by the department and by each employee beneficiary through authorized monthly deductions from his salary or wages;

(3) The monthly deductions from the employee beneficiaries' wages for the trust fund shall in no event exceed six per cent of his average monthly wages;

(4) The minimum annual contribution by the department shall be of sufficient amount as determined by the pension engineers to prevent any deterioration in the actuarial status of the trust fund during that year. In the event that the department shall fail to make such minimum contribution for three successive years, the pension trust shall terminate and the trust fund shall be liquidated.

(5) In the event of liquidation all expenses of the pension trust shall be paid, adequate provision shall be made for continuing pension payments to retired persons, each employee beneficiary shall receive the net amount paid into the trust fund from his wages, and any remaining sum shall be equitably divided among employee beneficiaries in proportion to the net amount paid from their wages into the trust fund;

(6) In the event a person ceases to be an employee beneficiary because of death, disability, unemployment, retirement or any other reason he, his beneficiary or his estate shall receive at least the net amount paid into the trust fund from his wages, either in a lump sum or monthly installments not less than his pension amount;

(7) In the event an employee beneficiary shall be retired for old age he shall receive a life-long monthly income in the proper amount of his pension;

(8) To be entitled to the full amount of his pension classification, an employee beneficiary shall have contributed at least twenty years of service to the department prior to retirement, otherwise he shall receive a proportionate pension;

(9) The monthly pension amount shall in no event exceed by more than twenty-five dollars one-half the amount

of his average monthly wages received during the last twenty years prior to retirement;

(10) The trust fund shall not be commingled with any other funds and shall be invested only in accordance with Indiana laws for the investment of trust funds, together with such other investments as may be specifically designated in the trust agreement;

(11) The trustee will receive and hold as trustee for the uses and purposes set out in the trust agreement any and all funds paid to it, as such trustee, by the department, the employee beneficiaries, or by any other person or persons;

(12) The trustee shall engage pension engineers to supervise and assist in the technical operation of the pension trust in order that there may be no deterioration in the actuarial status of the plan;

(13) Within ninety days after the close of each fiscal year the trustee, with the aid of the pension engineers, shall prepare and file an annual report with the department and the Indiana insurance department which shall include the following:

SCHEDULE I. Receipts and disbursements

SCHEDULE II. Assets of pension trust listing investments as to book value and current market value as of the end of the fiscal year.

SCHEDULE III. List of terminations, showing cause and amount of refund.

SCHEDULE IV. The application of actuarially computed "reserve factors" to the pay roll data properly classified for the purpose of computing the reserve liability of the trust fund as of the end of the fiscal year.

SCHEDULE V. The application of actuarially computed "current liability factors" to the pay roll data properly classified for the purpose of computing the liability of the trust fund as of the end of the fiscal year.

SCHEDULE VI. An actuarial computation of the pension liability for all employees retired prior to the close of the fiscal year. (47-835.)

Pension trust--appropriation--department--authority.2. Authority is hereby granted to the department to establish and operate an actuarially sound pension trust as hereinbefore defined, and to make the necessary annual contribution in order to prevent any deterioration in the actuarial status of the trust fund. The sum of fifteen thousand dollars per year is hereby appropriated to the pension trust fund for the

years 1937 and 1938 out of any money in the general fund of the state treasury not otherwise appropriated, and subsequent contributions by the department shall be provided in the general appropriation to the department. (47-836.)

Mortality reserve account--contributions--authority--3. Authority is hereby granted to the department to establish, operate and make necessary contributions to a mortality reserve account for the payment of supplementary death benefits to deceased employee beneficiaries, but no such supplementary death benefits shall in any case exceed five thousand dollars. (47-837)

Disability reserve account--contributions--authority.4. Authority is hereby granted to the department to establish, operate, and make necessary contributions to a disability reserve account for the payment of disability expense reimbursement and pensions to disabled employee beneficiaries; but no monthly disability pension shall exceed the amount of pension to which an employee beneficiary would be entitled at normal retirement age. (47-838)

Dependent's pension reserve account--authority. 5. Authority is hereby granted to the department to establish, operate, and make necessary contributions to a dependent's pension reserve account for the payment of pensions to dependent parents, widows and dependent minor children (less than eighteen years of age) of former employee beneficiaries who were killed in line of duty. The maximum monthly pension amount payable to dependent mothers or dependent fathers, or widows, shall not exceed one hundred dollars per month and shall cease with the last payment prior to death or re-marriage; and the maximum monthly pension amount payable to dependent children shall be ten dollars per child and shall cease with the last payment prior to attaining eighteen years of age. (47-839.)

Commingling funds--police benefit fund--trustee--duties--report--appropriation--6. The mortality reserve account referred to in Section 3, the disability reserve account referred to in Section 4, and the dependents pension reserve account referred to in Section 5 may be commingled and operated as one fund, known as the police benefit fund, under the terms of a supplementary trust agreement between

the department and the trustee for the exclusive benefit of employee beneficiaries and their dependents. The trustee shall receive and hold as trustee for the uses and purposes set out in the supplementary trust agreement all funds paid to it as such trustee by the department or by any other person or persons. The trustee shall hold, invest, and re-invest the police benefit fund in such investments as it is permitted under the laws of Indiana to invest trust funds and such other investments as may be specifically designated in the supplementary trust agreement. The trustee with the assistance of the pension engineers shall, within ninety days after the close of the fiscal year prepare and file with the department and the Indiana insurance department a detailed annual report showing receipts, disbursements, case histories, and making recommendations as to the necessary contributions required to keep the program in operation. The sum of twenty thousand dollars per year is hereby appropriated to the police benefit fund for the years 1937 and 1938 out of any money in the general fund of the state treasury not otherwise appropriated, and subsequent contributions by the department shall be provided in the general appropriations to the department. (47-840)

Insurance department--duties.--7. The insurance department of the State of Indiana shall approve the actuarial soundness of the pension trust and the general method of operation of the police benefit fund before the same becomes effective. In addition to filing an annual report with the insurance department, all books, reports, and accounts shall be open to their inspection at all times. (47-841)

Police compensation fund--transfer--specific repeal.--8. Upon the establishment of the police benefit fund as set forth in Section 6 and Section 7 of this act, section 13 of Chapter 299, Page 1463, of the Acts of the General Assembly of Indiana 1935 is hereby expressly repealed, and any funds in the police compensation fund shall be transferred to the police benefit fund. No fee for the performance of an act in line of duty and no reward offered for the apprehension or conviction of any person or persons, or for the recovery of any property may be accepted by any member of the department of state police, but any fee or reward to which such member would be entitled except for the foregoing provisions shall be paid to the police benefit fund. All laws and parts

of laws in conflict herewith are hereby repealed.(47-842.)

Interest in fund--non transferable.--9. No person entitled to any interest in or share of or pension or benefit from the trust funds shall, prior to the actual payment thereof, have the right to anticipate the same, or to sell, assign, pledge, or mortgage or otherwise dispose of or encumber the same, nor shall such interest, share, pension, or benefit prior to the actual payment thereof, be liable for the debts or liabilities of the person entitled thereto or be subject to attachment, garnishment, executive, or to levy or sale on judicial proceedings or be transferable by any means, voluntarily or involuntarily. The trustee may expend such sums as it may deem proper from such fund for the necessary expenses connected therewith. (47-843.)

Separability.--10. If any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall **not** affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is directly involved in the controversy in which such judgment shall have been rendered. (47-844.)

Effective date.--11. The powers conferred upon the department by the provision of this act shall be possessed and may be exercised by the department from and after the first day of July, 1937, and this act shall be in full force and effect from and after that date. The pension program authorized in this act may become operative at any time after the passage of this act upon the approval of the Indiana insurance department. (47-845.)

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