

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 181

(By Mr. Greene)



PASSED March 11th 1937

In Effect from Passage

ENROLLED

Senate Bill No. 181

(BY MR. GREENE) (by request)

[Passed March 11, 1937; in effect from passage.]

AN ACT to amend and reenact sections nine, ten and fourteen, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hours of work by municipal fire departments and to the firemen's and policemen's pension or relief funds.

Be it enacted by the Legislature of West Virginia:

That sections nine, ten and fourteen, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 9. In any municipal corporation in this state
2 having a population of more than eighteen thousand in-
3 habitants, having, or which may hereafter have, a fire depart-
4 ment supported in whole or in part at public expense, the
5 council shall declare the necessity of such service to each
6 twenty-four hours shall be as follows, to-wit: From eight
7 A. M. to six P. M. and from six P. M. to eight A. M.

8 Upon such declaration being made by the council the mem-
9 bers of the fire department shall be divided into two platoons,
10 and the members of such department shall be assigned to
11 service in such platoons by the superintendent of the depart-
12 ment of public safety or chief. The periods of service to
13 each twenty-four hours shall be as follows: From eight
14 A. M. to six P. M. and from six P. M. to eight A. M. The super-
15 intendent of the department of public safety or chief shall
16 assign one platoon of officers and members to the period from
17 eight A. M. to six P. M. and the other platoon of officers and
18 members from six P. M. to eight A. M., and the officers and
19 members assigned to each platoon shall alternate on the two
20 periods of duty at intervals of not more than two weeks.
21 No officer or member shall be required to remain on duty

22 for more than fourteen consecutive hours except when chang-
23 ing from one tour of duty to the other, or in case of a con-
24 flagration requiring the services of more than one-half of the
25 department. The superintendent of the department of public
26 safety or chief is hereby authorized and directed to make the
27 necessary assignments to the two respective platoons.

28 Nothing in this section shall apply to any town which does
29 not maintain and pay for a fire department and employees
30 thereof for full time.

Sec. 10. In any municipal corporation in this state hav-
2 ing, or which may hereafter have, a fire department and a
3 police department, or either of such departments, supported
4 in whole or in part at public expense, the council or other
5 governing body shall, by ordinance, provide for the establish-
6 ment and maintenance of a firemen's pension or relief fund,
7 and for a policemen's pension or relief fund, for the pur-
8 poses hereinafter enumerated, and thereupon there shall be
9 created boards of trustees who shall administer and distribute
10 the funds authorized to be raised by this section and suc-
11 ceeding sections.

Sec. 14. In every municipality there shall be a firemen's

2 pension or relief fund and a policemen's pension or relief
3 fund which shall be maintained as follows: The council
4 or other governing body of each municipality shall levy an-
5 nually and in the manner provided by law for other municipal
6 levies, and include within the maximum levy or levies per-
7 mitted by law, and if necessary in excess of any charter pro-
8 vision, a tax of not less than one cent on each one hundred
9 dollars of all real and personal property as listed for taxation
10 in such municipality, for the firemen's pension or relief fund,
11 and a like levy on all real and personal property as listed
12 for taxation in such municipality, for a policemen's pension
13 fund. *Provided*, That in any city or municipality of twenty
14 thousand population or less the laying of the levy herein
15 provided for shall be within the discretion of the common
16 council or other body of like power and duties in such city
17 or municipality.

18 The levies authorized under this section, or any part of
19 them, may by the council or other governing body be laid in
20 addition to all other municipal levies, and to that extent be-
21 yond the limit of levy imposed by the charter of such mu-
22 nicipality; and such levies shall supersede and if necessary

23 exclude levies for other purposes if such priority or exclusion
24 is necessary under limitations upon taxes or tax levies im-
25 posed by law.

26 Such corporations are authorized to take by gift, grant,
27 devise or bequest, any money or real or personal property,
28 upon such terms as to the investment and expenditure there-
29 of as may be fixed by the grantor or determined by said
30 trustees.

31 In addition to all other sums provided for pensions in this
32 section, it shall be the duty of every municipal corporation
33 to assess and collect from each member of such fire depart-
34 ment and police department, the sum of one dollar each
35 month, which sum shall be deducted from the monthly pay
36 of such person, and the amount so collected shall become a
37 regular part of the firemen's pension fund, if collected from
38 a fireman, and of the policemen's pension fund, if collected
39 from a policeman.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carl B. Yelton

Chairman Senate Committee

Wesley C. MacKenzie

Chairman House Committee

Originated in the.....

Takes effect.....passage.

Charles C. Crain

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegates

Chas. E. Hays

President of the Senate

J. T. Thomas

Speaker House of Delegates

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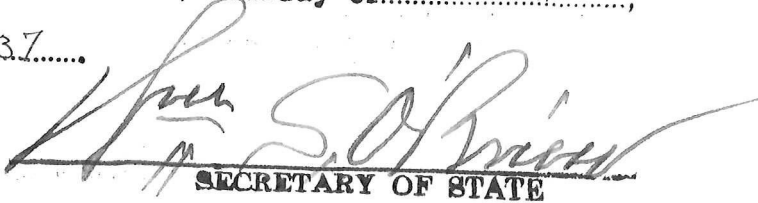
day of....., 1937.



I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 19th day of March,

1937.....



SECRETARY OF STATE