

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

## ENROLLED

HOUSE BILL No. 300

*Originating in the Committee on Tobacco & Finance*  
(By Mr. \_\_\_\_\_)

PASSED

March 6 1945

In Effect

July 1, 1945 Passage

300

## ENROLLED

# House Bill No. 300

(Originating in the Committee on Taxation and Finance.)

[Passed March 6, 1945; in effect July 1, 1945.]

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

*Be it enacted by the Legislature of West Virginia:*

That sections fourteen and twenty, 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 14. *Levy to Maintain Fund; Gifts, etc; Assess-  
2 ments on Members of Departments; Return of Assess-  
3 ments.*—In every municipality there shall be a firemen's  
4 pension or relief fund and a policemen's pension or relief  
5 fund which shall be maintained as follows: The coun-  
6 cil or other governing body of each municipality shall  
7 levy annually and in the manner provided by law for other

8 municipal levies, and include within the maximum levy or  
9 levies permitted by law, and if necessary in excess of any  
10 charter provision, a tax of not less than one cent on each  
11 one hundred dollars of all real and personal property as  
12 listed for taxation in such municipality, for the firemen's  
13 pension or relief fund, and a like levy on all real and  
14 personal property as listed for taxation in such munici-  
15 pality, for a policemen's pension fund: *Provided, That*  
16 in any city or municipality of eight thousand three hun-  
17 dred population or less the laying of the levies herein  
18 provided for shall be within the discretion of the com-  
19 mon council or other body of like power and duties in  
20 such city or municipality.

21 The levies authorized under this section or any part  
22 of them, may by the council or other governing body be  
23 laid in addition to all other municipal levies, and to that  
24 extent beyond the limit of levy imposed by the charter  
25 of such municipality; and such levies shall supersede and  
26 if necessary exclude levies for other purposes if such  
27 priority or exclusion is necessary under limitation upon  
28 taxes or tax levies imposed by law.

29 Such corporations are authorized to take by gift, grant  
30 devise or bequest, any money or real or personal property,  
31 upon such terms as to the investment and expenditure  
32 thereof as may be fixed by the grantor or determined by  
33 said trustees.

34 In addition to all other sums provided for pensions in  
35 this section, it shall be the duty of every municipal cor-  
36 poration to assess and collect from each member of such  
37 fire department and police department each month, the  
38 sum of three percent of the monthly basic pay of such  
39 fire or police department, that is, the monthly basic pay  
40 for all equally and regardless of rank or position of the  
41 member of such department and so that the amount of  
42 such deduction shall be the same for all members of such  
43 fire department and the same for all members of such  
44 police department, which amount so to be deducted shall  
45 be deducted from the monthly pay of such person, and  
46 the amount so collected shall become a regular part of the  
47 firemen's pension fund, if collected from a fireman, and  
48 of the policemen's pension fund, if collected from a  
49 policeman.

50 Any member of a municipal fire or police department  
51 who is released or who before retirement on any pension  
52 severs his connection with said department, provided  
53 he has served two full years or more, shall upon request,  
54 be refunded all deductions made from his salary, but  
55 without interest. In event such refund is made and such  
56 member subsequently reenters the department no credit  
57 shall be allowed him for any former service.

Sec. 20. *Payments upon Retirement Without Disability;*

2 *Payments for Retirement at Sixty-Five; Payments for*  
3 *Permanent Disability; Credit for Military Service.*—Any  
4 member of a municipal fire department or police depart-  
5 ment who is entitled to benefits of said fund, and who has  
6 been in the continuous service of such department for  
7 twenty years, and upon reaching the age of fifty years,  
8 may upon written application to the board of trustees,  
9 be retired from all service from such department without  
10 medical examination or disability, and on such retire-  
11 ment the board of trustees shall authorize the payment  
12 of eighty-five dollars per month to such retired member  
13 during the remainder of his life, and any member of such

14 department who is entitled to the benefits of said fund  
15 and who has been in the continuous service of such de-  
16 partment for more than twenty years at the time of his  
17 retirement as herein provided shall in addition to the  
18 eighty-five dollars per month authorized to be paid such  
19 member upon retirement after twenty years of continu-  
20 ous service, and reached the age of fifty years, receive  
21 five dollars per month during the remainder of his life for  
22 each year of the first three additional years served with  
23 such department in excess of said twenty years, but in no  
24 event shall he receive additional retirement pay for more  
25 than three such additional years: *Provided, however,*  
26 That any member of such department who has served in  
27 the armed services, as defined hereinafter, shall be eligi-  
28 ble to retirement prior to reaching the age of fifty years  
29 if he is otherwise eligible hereunder. A member of such  
30 department who may have served twenty years, but not  
31 continuously, and reached the age of fifty years, shall be  
32 entitled to the benefits of this section, provided he shall  
33 not have been out of the service for a longer period than  
34 two years and six months.

35 Any member of a municipal fire or police department  
36 upon reaching the age of sixty-five years shall retire, un-  
37 less a national emergency exists and then at the expira-  
38 tion of such national emergency, and the board of trus-  
39 tees shall authorize the payment to such retired member,  
40 who need not have served twenty years, of the sum of  
41 eighty-five dollars per month to such retired member  
42 during the remainder of his life, and any member of such  
43 department who is entitled to the benefits of said fund  
44 and who has been in the continuous service of such de-  
45 partment for longer than twenty years and reached the  
46 age of fifty at the time of his retirement as herein pro-  
47 vided, shall in addition to the eighty-five dollars per  
48 month authorized be paid such member upon retirement  
49 after twenty years of continuous service, receive five  
50 dollars per month during the remainder of his life for  
51 each year of the first three additional years served with  
52 such department, but in no event shall he receive addi-  
53 tional retirement pay for more than three such additional  
54 years. A member of such department who may have  
55 served twenty years, but not continuously, and reached

56 the age of fifty years, shall be entitled to the benefits of  
57 this section, provided he shall not have been out of the  
58 service for a longer period than two years.

59 The sum to be paid to permanently disabled members  
60 shall be at the rate of one hundred dollars per month,  
61 which shall be paid regardless of the position in the  
62 department of such disabled member.

63 Absence from the service because of sickness or injury  
64 shall not be construed as time out of service.

65 Any member of such departments who has served in  
66 the armed forces of the United States between Septem-  
67 ber fifteenth, one thousand nine hundred forty, the date  
68 of the Selective Service Act, and the official termination  
69 of the present war as may be declared by the President  
70 of the United States or by joint resolution of the Con-  
71 gress of the United States, and who has not been dis-  
72 honorably discharged from said service, shall be given  
73 credit for continuous service in said fire or police depart-  
74 ments: *Provided:* That he shall not have reenlisted  
75 in said armed forces after such official termination of the  
76 present war, nor remained in such service without re-



77 signing or retiring where or when resignation or retire-  
78 ment is necessary for discharge or release, and that with-  
79 in six months after the receipt of an honorable discharge  
80 he shall present himself to the officer, board or person  
81 having power to make original appointments to the de-  
82 partment and offer to resume service as an active member  
83 of the department and that he upon his return and proffer  
84 to resume active service be determined by the pension  
85 board doctors as mentally and physically capable of per-  
86 forming his duties as a member of the department. In  
87 event such member becomes disabled after entering upon  
88 his duties as a member of any municipal fire department  
89 or police department, and it appears that such disability  
90 was brought about by reason of his service in the armed  
91 forces of the United States and that the government of  
92 the United States has upon his application or otherwise  
93 granted him a pension of less than one hundred dollars  
94 per month, then, in that event, upon his application, the  
95 board of trustees of the firemen's pension relief fund or  
96 the policemen's pension relief fund, as the case may be,  
97 may grant him a pension, payable monthly, so as to

98 bring his total monthly pension income from both gov-  
99 ernment of the United States and said firemen's pension  
100 relief fund or the policemen's pension relief fund, to the  
101 aggregate sum of one hundred dollars per month.

102 No member of the fire or police departments shall be  
103 required to pay the monthly assessment as now required  
104 by law, during his period of service in the armed forces  
105 of the United States.

106 None of the provisions of this act shall apply to or  
107 affect any person who at the time this act takes effect is  
108 receiving any pension, payment or benefit from the fire-  
109 men's or policemen's pension or relief funds.

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

Charles C Morris  
Chairman Senate Committee

John A. Hunter  
Chairman House Committee

Originated in the

House

Takes effect

July 1 - 1945

passage.

Thomas Hughes  
Clerk of the Senate

John A. Hunter  
Clerk of the House of Delegates

Arnold M. Dickens  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within

Approved

this the

14

day of

March

, 1945.

Robert M. Mayo  
Governor.



Filed in the office of the Secretary of State  
of West Virginia MAR 15 1945

Wm. S. O'BRIEN,  
Secretary of State