WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 300

Originating in the Committee on Finance
(By Mr. _________________________________)

PASSED March 6, 1945

In Effect July 1, 1945
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; Assessments on Members of Departments; Return of Assessments.—In every municipality there shall be a firemen's pension or relief fund and a policemen's pension or relief fund which shall be maintained as follows: The council or other governing body of each municipality shall levy annually and in the manner provided by law for other
municipal levies, and include within the maximum levy or
levies permitted by law, and if necessary in excess of any
charter provision, a tax of not less than one cent on each
one hundred dollars of all real and personal property as
listed for taxation in such municipality, for the firemen’s
pension or relief fund, and a like levy on all real and
personal property as listed for taxation in such munici-
pality, for a policemen’s pension fund: Provided, That
in any city or municipality of eight thousand three hun-
dred population or less the laying of the levies herein
provided for shall be within the discretion of the com-
mon council or other body of like power and duties in
such city or municipality.

The levies authorized under this section or any part
of them, may by the council or other governing body be
laid in addition to all other municipal levies, and to that
extent beyond the limit of levy imposed by the charter
of such municipality; and such levies shall supersede and
if necessary exclude levies for other purposes if such
priority or exclusion is necessary under limitation upon
taxes or tax levies imposed by law.
Such corporations are authorized to take by gift, grant devise or bequest, any money or real or personal property, upon such terms as to the investment and expenditure thereof as may be fixed by the grantor or determined by said trustees.

In addition to all other sums provided for pensions in this section, it shall be the duty of every municipal corporation to assess and collect from each member of such fire department and police department each month, the sum of three percent of the monthly basic pay of such fire or police department, that is, the monthly basic pay for all equally and regardless of rank or position of the member of such department and so that the amount of such deduction shall be the same for all members of such fire department and the same for all members of such police department, which amount so to be deducted shall be deducted from the monthly pay of such person, and the amount so collected shall become a regular part of the firemen's pension fund, if collected from a fireman, and of the policemen's pension fund, if collected from a policeman.
Any member of a municipal fire or police department who is released or who before retirement on any pension severs his connection with said department, provided he has served two full years or more, shall upon request, be refunded all deductions made from his salary, but without interest. In event such refund is made and such member subsequently reenters the department no credit shall be allowed him for any former service.

Sec. 20. Payments upon Retirement Without Disability; Payments for Retirement at Sixty-Five; Payments for Permanent Disability; Credit for Military Service.—Any member of a municipal fire department or police department who is entitled to benefits of said fund, and who has been in the continuous service of such department for twenty years, and upon reaching the age of fifty years, may upon written application to the board of trustees, be retired from all service from such department without medical examination or disability, and on such retirement the board of trustees shall authorize the payment of eighty-five dollars per month to such retired member during the remainder of his life, and any member of such
department who is entitled to the benefits of said fund
and who has been in the continuous service of such de-
partment for more than twenty years at the time of his
retirement as herein provided shall in addition to the
eighty-five dollars per month authorized to be paid such
member upon retirement after twenty years of continu-
ous service, and reached the age of fifty years, receive
five dollars per month during the remainder of his life for
each year of the first three additional years served with
such department in excess of said twenty years, but in no
event shall he receive additional retirement pay for more
than three such additional years: Provided, however,
That any member of such department who has served in
the armed services, as defined hereinafter, shall be eligi-
ble to retirement prior to reaching the age of fifty years
if he is otherwise eligible hereunder. A member of such
department who may have served twenty years, but not
continuously, and reached the age of fifty years, shall be
entitled to the benefits of this section, provided he shall
not have been out of the service for a longer period than
two years and six months.
Any member of a municipal fire or police department upon reaching the age of sixty-five years shall retire, unless a national emergency exists and then at the expiration of such national emergency, and the board of trustees shall authorize the payment to such retired member, who need not have served twenty years, of the sum of eighty-five dollars per month to such retired member during the remainder of his life, and any member of such department who is entitled to the benefits of said fund and who has been in the continuous service of such department for longer than twenty years and reached the age of fifty at the time of his retirement as herein provided, shall in addition to the eighty-five dollars per month authorized be paid such member upon retirement after twenty years of continuous service, receive five dollars per month during the remainder of his life for each year of the first three additional years served with such department, but in no event shall he receive additional retirement pay for more than three such additional years. A member of such department who may have served twenty years, but not continuously, and reached
the age of fifty years, shall be entitled to the benefits of
this section, provided he shall not have been out of the
service for a longer period than two years.

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

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

Any member of such departments who has served in
the armed forces of the United States between Septem-
ber fifteenth, one thousand nine hundred forty, the date
of the Selective Service Act, and the official termination
of the present war as may be declared by the President
of the United States or by joint resolution of the Con-
gress of the United States, and who has not been dis-
honorably discharged from said service, shall be given
credit for continuous service in said fire or police depart-
ments: Provided: That he shall not have reenlisted
in said armed forces after such official termination of the
present war, nor remained in such service without re-
signing or retiring where or when resignation or retire-
ment is necessary for discharge or release, and that with-
in six months after the receipt of an honorable discharge
he shall present himself to the officer, board or person
having power to make original appointments to the de-
partment and offer to resume service as an active member
of the department and that he upon his return and proffer
to resume active service be determined by the pension
board doctors as mentally and physically capable of per-
forming his duties as a member of the department. In
event such member becomes disabled after entering upon
his duties as a member of any municipal fire department
or police department, and it appears that such disability
was brought about by reason of his service in the armed
forces of the United States and that the government of
the United States has upon his application or otherwise
granted him a pension of less than one hundred dollars
per month, then, in that event, upon his application, the
board of trustees of the firemen's pension relief fund or
the policemen's pension relief fund, as the case may be,
may grant him a pension, payable monthly, so as to
bring his total monthly pension income from both government of the United States and said firemen's pension relief fund or the policemen's pension relief fund, to the aggregate sum of one hundred dollars per month.

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

None of the provisions of this act shall apply to or affect any person who at the time this act takes effect is receiving any pension, payment or benefit from the firemen'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

Chairman House Committee

Originated in the House

Takes effect July 1, 1945

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 14th day of March, 1945.

Governor.

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

Wm. S. O'Brien,  
Secretary of State