WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 71

(By Mr. ____________________________ )

PASSED ________________________ 1955

In Effect ____________________ from Passage

Filed in the Office of the Secretary of State of West Virginia MAR 11 1955
D. PITT O'BRIEN
SECRETARY OF STATE
ENROLLED

House Bill No. 71
(By Mr. Goshorn)

[Passed March 5, 1955; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

That section 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 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
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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 provisions, 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, and, if necessary, in excess of one cent, but not in excess of three and one-half cents so as to meet the estimated expenditures of the boards of trustees of the respective funds, for the firemen's pension or relief fund and a like levy on all real and personal property as listed for taxation in such municipality, for a policemen's pension fund: Provided, That in any city or municipality of eight thousand three hundred population or less the laying of the levies herein provided for shall be within the discretion of the common 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 corpor-
ation to assess and collect from each member of such fire 
department and police department each month, the sum 
of three per cent 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 mem-
ber 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
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firemen's pension fund, if collected from a fireman, and of
the policemen's pension fund, if collected from a police-
man.

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, unless any
such member of a municipal fire or police department
repays to the pension fund all sums refunded to him
within one year from the date he reenters the depart-
ment with interest at the rate of six per cent per annum
and, Provided further, That any member who, at the
time this amendment becomes effective, has already
reentered the department, he shall be allowed credit
for any former service upon repaying all sums with-
drawn or refunded to him within one year from the
date this amendment becomes effective with interest at
the rate of six per cent per annum, but in no case shall
interest be charged for more than three years.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 10

day of March, 1955.

William C. Marland
Governor

Died in the Office of the Secretary of State of West Virginia
MAR 11 1955
D. Pitt O'Brien
Secretary of State