

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 71

(By Mr. Amos)

PASSED Mar 5 1955

In Effect 90 days 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

7 annually and in the manner provided by law for other mu-
8 nicipal levies, and include within the maximum levy or
9 levies permitted by law, and if necessary in excess of any
10 charter provisions, 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, and, if necessary,
13 in excess of one cent, but not in excess of three and one-
14 half cents so as to meet the estimated expenditures of the
15 boards of trustees of the respective funds, for the firemen's
16 pension or relief fund and a like levy on all real and per-
17 sonal property as listed for taxation in such municipality,
18 for a policemen's pension fund: *Provided*, That in any city
19 or municipality of eight thousand three hundred popula-
20 tion or less the laying of the levies herein provided for shall
21 be within the discretion of the common council or other
22 body of like power and duties in such city or municipality.

23 The levies authorized under this section, or any part of
24 them, may by the council or other governing body be laid
25 in addition to all other municipal levies, and to that
26 extent beyond the limit of levy imposed by the charter
27 of such municipality; and such levies shall supersede and

28 if necessary exclude levies for other purposes if such
29 priority or exclusion is necessary under limitation upon
30 taxes or tax levies imposed by law.

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

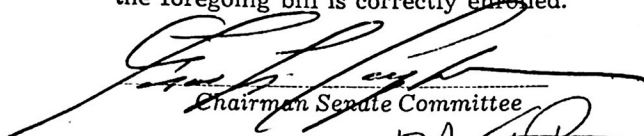
36 In addition to all other sums provided for pensions in
37 this section, it shall be the duty of every municipal corpor-
38 ation to assess and collect from each member of such fire
39 department and police department each month, the sum
40 of three per cent of the monthly basic pay of such fire
41 or police department, that is, the monthly basic pay for
42 all equally and regardless of rank or position of the mem-
43 ber of such department and so that the amount of such
44 deduction shall be the same for all members of such fire
45 department and the same for all members of such police
46 department, which amount so to be deducted shall be
47 deducted from the monthly pay of such person; and the
48 amount so collected shall become a regular part of the

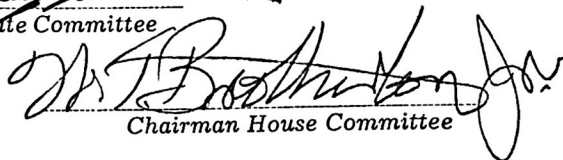
49 firemen's pension fund, if collected from a fireman, and of
50 the policemen's pension fund, if collected from a police-
51 man.

52 Any member of a municipal fire or police department
53 who is released or who before retirement on any pension
54 severs his connection with said department, provided he
55 has served two full years or more, shall, upon request,
56 be refunded all deductions made from his salary, but
57 without interest. In event such refund is made and such
58 member subsequently reenters the department no credit
59 shall be allowed him for any former service, unless any
60 such member of a municipal fire or police department
61 repays to the pension fund all sums refunded to him
62 within one year from the date he reenters the depart-
63 ment with interest at the rate of six per cent per annum
64 and, *Provided further*, That any member who, at the
65 time this amendment becomes effective, has already
66 reentered the department, he shall be allowed credit
67 for any former service upon repaying all sums with-
68 drawn or refunded to him within one year from the

69 date this amendment becomes effective with interest at
70 the rate of six per cent per annum, but in no case shall
71 interest be charged for more than three years.

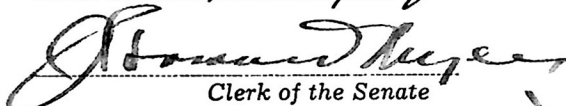
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

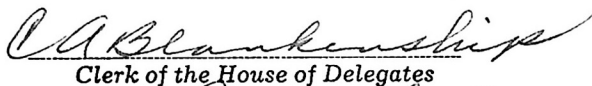

Chairman Senate Committee

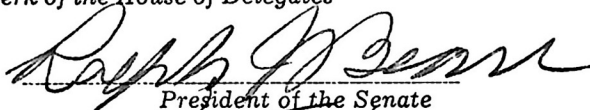

Chairman House Committee

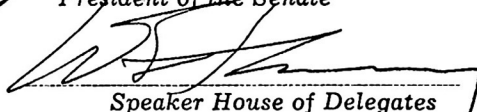
Originated in the House of Delegates

Takes effect 90 days from 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.


Governor



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of West Virginia MAR 11 1955
D. PITT O'BRIEN
SECRETARY OF STATE