

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 306

(By Mr. White and Mr. Sichert)



PASSED February 21, 1963

In Effect from Passage



Filed in Office of the Secretary of State
of West Virginia 3-1-63
JOE F. BURDETT
SECRETARY OF STATE

#306

ENROLLED

House Bill No. 306

(By MR. WHITE and MR. SEIBERT)

[Passed February 21, 1963; in ~~effect July 1, 1963~~ *House passage*]

*OK
C. C. Cunningham
by
GDP*

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 firemen's and policemen's pensions or relief funds, providing for the assessment of taxes and contributions from salaries to maintain such 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:

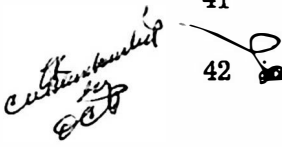
Article 6. Fire Department, Fire Companies, and Firemen's and Policemen's Pensions or Relief Funds.

Section 14. Levy to Maintain Fund; Gifts, etc.; Assess-
ments on Members of Departments; Return of Assess-
ments.—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 at such rate as will, after
crediting all interest, if any, to be received in such year
from the investments of the respective boards, provide
funds equal to the sum of (1) the full amount of estimated
expenditures of the boards of trustees of the respective
funds and (2) an additional amount equal to ten per cent
of such estimated expenditures, said ten per cent amount
to be taken, accumulated and invested, if possible, as
surplus reserve: *Provided, however,* That in no event
shall such levy for each of the respective boards of trus-
tees be less than one cent nor more than five cents on
each one hundred dollars of all real and personal property

22 as listed for taxation in such municipality: *Provided,*
23 That in any city or municipality of eight thousand three
24 hundred population or less the laying of the levies herein
25 provided for shall be within the discretion of the common
26 council or other body of like power and duties in such
27 city or municipality.

28 The levies authorized under this section, or any part
29 of them, may by the council or other governing body be
30 laid in addition to all other municipal levies, and to that
31 extent, beyond the limit of levy imposed by the charter
32 of such municipality; and such levies shall supersede and
33 if necessary exclude levies for other purposes if such
34 priority or exclusion is necessary under limitations upon
35 taxes or tax levies imposed by law.

36 Such corporations are authorized to take by gift, grant,
37 devise or bequest, any money or real or personal property,
38 upon such terms as to the investment and expenditure
39 thereof as may be fixed by the grantor or determined by
40 said trustees.

41 In addition to all other sums provided for pensions in
42  this section, it shall be the duty of every municipal cor-

43 poration to assess and collect from each member of such
44 fire department and police department each month, the
45 sum of four per cent of the actual salary or compensation
46 of such member; and the amount so collected shall be-
47 come a regular part of the firemen's pension fund, if
48 collected from a fireman, and of the policemen's pension
49 fund, if collected from a 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 he
53 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, unless any
58 such member of a municipal fire or police department
59 repays to the pension fund all sums refunded to him
60 within one year from the date he reenters the department
61 with interest at the rate of six per cent per annum, and
62 provided further that any member who, at the time this
63 amendment becomes effective, has already reentered the

64 department, shall be allowed credit for any former service
65 upon repaying all sums withdrawn or refunded to him
66 within one year from the date this amendment becomes
67 effective with interest at the rate of six per cent per
68 annum, but in no case shall interest be charged for more
69 than three years.

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

O. Roy Parker

Chairman Senate Committee

Philip L. Caudall

Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas H. Kane

Clerk of the Senate

A. Blankenship

Clerk of the House of Delegates

Harvard W. Carson

President of the Senate

John W. Bingle

Speaker House of Delegates

The within approved this the 28th
day of February, 1963.

W. W. Barron

Governor