

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 681

(By Miss Trappe and Mr. Seibert)



PASSED March 10, 1967

In Effect July 1, 1967 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67

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House Bill No. 681

(By MISS TSAPIS AND MR. SEIBERT)

[Passed March 10, 1967; In effect July 1, 1967.]

AN ACT to amend and reenact section twenty article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the payment upon retirement without disability; payments for retirement at sixty-five; payments for permanent disability; credit for military service.

Be it enacted by the Legislature of West Virginia:

That section 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:

**ARTICLE 6. FIRE DEPARTMENT AND FIRE COMPANIES: FIRE-
MEN'S AND POLICEMEN'S PENSION OR RELIEF
FUNDS.**

**§8-6-20. Payments upon retirement without disability; pay-
ments for retirement at sixty-five; payments for
permanent disability; credit for military service.**

1 Any member of a municipal fire department or police
2 department who is entitled to benefits of said fund, and
3 who has been in the service of such department for
4 twenty years, may upon written application to the board
5 of trustees, be retired from all service from such depart-
6 ment without medical examination or disability; and on
7 such retirement the board of trustees shall authorize the
8 payment of an annual pension commencing upon his
9 retirement or upon his reaching the age of fifty years,
10 whichever is later, payable in twelve monthly install-
11 ments for each year of the remainder of his life, in an
12 amount equal to fifty per cent of such member's aver-
13 age annual salary or compensation received during the
14 five fiscal years, not necessarily consecutive, in which
15 such member received his highest compensation while
16 a member of the department, or an amount of one hun-

17 dred fifty dollars per month, whichever shall be greater;
18 and any member of such department who is entitled to
19 benefits of said fund and who has been in the service
20 of such department for more than twenty years at the
21 time of his retirement, as herein provided, shall in addi-
22 tion to the aforesaid pension authorized to be paid upon
23 retirement after twenty years of service and reaching
24 the age of fifty years, receive an additional sum per
25 month during the remainder of his life, equal to one
26 per cent of such average monthly salary for each year of
27 the first five additional years served with the department
28 in excess of the said twenty years, but any member of
29 such department whose service has been interrupted
30 by duty with the armed forces of the United States as
31 hereinafter provided, shall be eligible for retirement
32 benefits immediately upon retirement, regardless of his
33 age, if he shall otherwise be eligible for such benefits.

34 Any member of a municipal fire or police department,
35 upon reaching the age of sixty-five years shall be retired
36 in the manner herein provided: Each member of the fire
37 and police department shall, at the request of the board

38 of trustees, furnish said board of trustees with a birth
39 certificate or other satisfactory proof of his date of birth,
40 at the time of his appointment to the fire or police de-
41 partment. When a member of the fire or police depart-
42 ment shall have reached the age of sixty-five years,
43 the said board of trustees shall notify the mayor or other
44 chief executive officer of the municipal corporation,
45 within thirty days of such member's sixty-fifth birthday;
46 and the mayor or other chief executive officer shall cause
47 such sixty-five year old member of the fire or police de-
48 partment to be retired within a period of not more than
49 thirty additional days. It shall be the duty of each member
50 of the fire or police department who is a member at the
51 time this article becomes effective to furnish the said
52 necessary proof of his date of birth to the said board of
53 trustees within a reasonable length of time, said length
54 of time to be determined by the said board of trustees;
55 and then the board of trustees and the mayor or other
56 chief executive officer of the municipal corporation shall
57 proceed to act in the manner herein provided, and shall
58 cause all members of the fire or police department who

59 are over the age of sixty-five years to be retired in not
60 less than sixty days from the date this article becomes
61 effective. The amount of pension such members shall re-
62 ceive shall depend upon their length of service as herein
63 provided. Such member need not have served twenty
64 years to be eligible to receive the pension hereinabove
65 described.

66 The sum to be paid to each permanently disabled mem-
67 ber shall be equal to fifty per cent of the salary being
68 received by such member, at the time he is so disabled,
69 or the sum of one hundred fifty dollars per month, which-
70 ever shall be greater: *Provided, however,* That any mem-
71 ber who is permanently disabled, after having served
72 twenty years in such department, and, who has attained
73 the age of fifty years, shall be entitled to such sum as
74 shall equal fifty per cent of such member's average
75 salary during the five fiscal years, not necessarily consecu-
76 tive, in which he received his highest compensation while
77 a member of the department, and also the additional sum
78 per month equal to one per cent of such average monthly
79 salary for each year of the first five years served in ex-

80 cess of said twenty years, or a total amount of one
81 hundred fifty dollars per month, whichever shall be
82 greater.

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

85 Any member of any fire or police department covered
86 by this article who has been required to or shall at any
87 future time be required to enter the armed forces of the
88 United States by a conscription, by reason of being a
89 member of some reserve unit of the armed forces, or a
90 member of the West Virginia national guard, or who
91 enlists in one of the armed services of the United States
92 during hostilities, and upon his receipt of an honorable
93 discharge from such armed forces presents himself for
94 resumption of duty to his appointing municipal official
95 within six months from date of discharge, and is accepted
96 by the pension board doctors as being mentally and
97 physically capable of performing his required duties as a
98 member of such fire or police department, shall be given
99 credit for continuous service in said fire or police de-
100 partment, and his pension rights shall be governed as

101 herein provided.

102 No member of the fire or police department shall be re-
103 quired 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 Any member or former member of a fire or police
107 department, who at the time this section takes effect is
108 receiving any pension, payment or benefit from the fire-
109 men's or policemen's pension or relief funds, shall con-
110 tinue to receive a pension, payment or benefit, in the
111 amount of one hundred fifty dollars per month.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Labaree White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hubert C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 3:07 P.M.