WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 681

(By Miss Trageser and Mr. Segbut)

PASSED March 10, 1967

In Effect July 1, 1967

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
FEB 20, 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; 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 service of such department for twenty 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 an annual pension commencing upon his retirement or upon his reaching the age of fifty years, whichever is later, payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to fifty per cent of such member's average annual salary or compensation received during the five fiscal years, not necessarily consecutive, in which such member received his highest compensation while a member of the department, or an amount of one hun-
dred fifty dollars per month, whichever shall be greater;
and any member of such department who is entitled to
benefits of said fund and who has been in the service
of such department for more than twenty years at the
time of his retirement, as herein provided, shall in addi-
tion to the aforesaid pension authorized to be paid upon
retirement after twenty years of service and reaching
the age of fifty years, receive an additional sum per
month during the remainder of his life, equal to one
per cent of such average monthly salary for each year of
the first five additional years served with the department
in excess of the said twenty years, but any member of
such department whose service has been interrupted
by duty with the armed forces of the United States as
hereinafter provided, shall be eligible for retirement
benefits immediately upon retirement, regardless of his
age, if he shall otherwise be eligible for such benefits.

Any member of a municipal fire or police department,
upon reaching the age of sixty-five years shall be retired
in the manner herein provided: Each member of the fire
and police department shall, at the request of the board
of trustees, furnish said board of trustees with a birth certificate or other satisfactory proof of his date of birth, at the time of his appointment to the fire or police department. When a member of the fire or police department shall have reached the age of sixty-five years, the said board of trustees shall notify the mayor or other chief executive officer of the municipal corporation, within thirty days of such member’s sixty-fifth birthday; and the mayor or other chief executive officer shall cause such sixty-five year old member of the fire or police department to be retired within a period of not more than thirty additional days. It shall be the duty of each member of the fire or police department who is a member at the time this article becomes effective to furnish the said necessary proof of his date of birth to the said board of trustees within a reasonable length of time, said length of time to be determined by the said board of trustees; and then the board of trustees and the mayor or other chief executive officer of the municipal corporation shall proceed to act in the manner herein provided, and shall cause all members of the fire or police department who
are over the age of sixty-five years to be retired in not
less than sixty days from the date this article becomes
effective. The amount of pension such members shall re-
ceive shall depend upon their length of service as herein
provided. Such member need not have served twenty
years to be eligible to receive the pension hereinafter
described.

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

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

Any member of any fire or police department covered
by this article who has been required to or shall at any
future time be required to enter the armed forces of the
United States by a conscription, by reason of being a
member of some reserve unit of the armed forces, or a
member of the West Virginia national guard, or who
enlists in one of the armed services of the United States
during hostilities, and upon his receipt of an honorable
discharge from such armed forces presents himself for
resumption of duty to his appointing municipal official
within six months from date of discharge, and is accepted
by the pension board doctors as being mentally and
physically capable of performing his required duties as a
member of such fire or police department, shall be given
credit for continuous service in said fire or police de-
partment, and his pension rights shall be governed as
No member of the fire or police department 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.

Any member or former member of a fire or police department, who at the time this section takes effect is receiving any pension, payment or benefit from the firemen's or policemen's pension or relief funds, shall continue to receive a pension, payment or benefit, in the amount of one hundred fifty dollars per month.
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.

Takes effect July 1, 1967.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor