WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED

HOUSE BILL No. 850

(By Mr. Kogge)

PASSED February 21, 1975

In Effect ninety days from Passage
AN ACT to amend and reenact section twenty-five, article twenty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to retirement; policemen's pension and relief fund; firemen's pension and relief fund; number of years used to compute pensions.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article twenty-two, 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 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION AND RELIEF FUND; FIREMEN'S PENSION AND RELIEF FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND SEWERAGE SYSTEM.


(a) Any member of a paid police or fire department who is entitled to a retirement pension hereunder, and who has been in the honorable service of such department for twenty years, may, upon written application to the board of trustees, be retired from all service in such department without medical examination or disability; and on such retirement the board of trustees shall authorize the payment of annual retirement pension benefits commencing upon his retirement or upon his
attaining 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 sixty percent of such member's
average annual salary or compensation received during the
three fiscal years, not necessarily consecutive, in which such
member received his highest salary or compensation while a
member of the department, or an amount of two hundred
dollars per month, whichever shall be greater.

(b) Any member of any such department who is entitled
to a retirement pension under the provisions of subsection
(a) of this section and who has been in the honorable
service of such department for more than twenty years at
the time of his retirement, as herein provided, shall, in
addition to the sixty percent authorized in said subsection
(a), receive one additional percent, to be added to the sixty
percent, per each year served in excess of said twenty years,
up to a maximum of five additional percent.

(c) Any member of any such department whose service
has been interrupted by duty with the armed forces of the
United States as provided in section twenty-seven of this
article, shall be eligible for retirement pension benefits
immediately upon retirement, regardless of his age, if he shall
otherwise be eligible for such retirement pension benefits.

(d) Any member of a paid police or fire department
shall be retired at the age of sixty-five years in the manner
provided in this subsection. When a member of the paid
police or fire department shall have reached the age of
sixty-five years, the said board of trustees shall notify the
mayor of this fact, within thirty days of such member's sixty-
fifth birthday; and the mayor shall cause such sixty-five-
year-old member of the paid police or fire department to be
retired within a period of not more than thirty additional
days. Upon retirement under the provisions of this subsection
(d), such member, whether he has been employed in said
department for twenty years or not, shall receive retirement
pension benefits payable in twelve monthly installments for
each year of the remainder of his life, in an amount equal
to sixty percent of such member's average annual salary or
compensation received during the three fiscal years, not neces-
sarily consecutive, in which such member received his highest
salary or compensation while a member of the department,
or an amount of two hundred dollars per month, whichever
shall be greater, and if such member has been employed in
said department for more than twenty years, the provisions
of subsection (b) of this section shall apply.

(e) It shall be the duty of each member of a paid police
or fire department at the time a fund is hereafter established
to furnish the necessary proof of his date of birth to the
said board of trustees, as specified in section twenty-three of
this article, 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 shall proceed to act
in the manner provided in subsection (d) of this section and
shall cause all members of the paid police or fire department
who are over the age of sixty-five years to be retired in not
less than sixty days from the date the fund is established.
Upon retirement under the provisions of this subsection (e),
such member, whether he has been employed in said depart-
ment for twenty years or not, shall receive retirement pension
benefits payable in twelve monthly installments for each year
of the remainder of his life, in an amount equal to sixty
percent of such member's average annual salary or com-
pensation received during the three fiscal years, not neces-
sarily consecutive, in which such member received his highest
salary or compensation while a member of the department, or
an amount of two hundred dollars per month, whichever
shall be greater, and if such member has been employed in
said department for more than twenty years, the provisions
of subsection (b) of this section shall apply.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Fralick
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Jackie
Clerk of the Senate

L. W. S. Kenya
Clerk of the House of Delegates

W. T. Bulthuis Jr.
President of the Senate

L. M. M. Mann
Speaker House of Delegates

The within _______ APPROVED _______ this the 3rd day of _______ March _______, 1975.

Andrew P. Harris
Governor
PRESENTED TO THE GOVERNOR

Date  2/26/75
Time  5:20 p.m.