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THE HOUSE OF DELEGATES  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1975**



**ENROLLED**

HOUSE BILL No. 850

(By Mr. Kapp )



PASSED February 21, 1975

In Effect ninty days from Passage



050

ENROLLED

# H. B. 850

(By MR. KOPP)

[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.**

**§8-22-25. Retirement pensions.**

1 (a) Any member of a paid police or fire department who  
2 is entitled to a retirement pension hereunder, and who has  
3 been in the honorable service of such department for twenty  
4 years, may, upon written application to the board of trustees,  
5 be retired from all service in such department without medical  
6 examination or disability; and on such retirement the board  
7 of trustees shall authorize the payment of annual retirement  
8 pension benefits commencing upon his retirement or upon his

9 attaining the age of fifty years, whichever is later, payable in  
10 twelve monthly installments for each year of the remainder of  
11 his life, in an amount equal to sixty percent of such member's  
12 average annual salary or compensation received during the  
13 three fiscal years, not necessarily consecutive, in which such  
14 member received his highest salary or compensation while a  
15 member of the department, or an amount of two hundred  
16 dollars per month, whichever shall be greater.

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

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

32 (d) Any member of a paid police or fire department  
33 shall be retired at the age of sixty-five years in the manner  
34 provided in this subsection. When a member of the paid  
35 police or fire department shall have reached the age of  
36 sixty-five years, the said board of trustees shall notify the  
37 mayor of this fact, within thirty days of such member's sixty-  
38 fifth birthday; and the mayor shall cause such sixty-five-  
39 year-old member of the paid police or fire department to be  
40 retired within a period of not more than thirty additional  
41 days. Upon retirement under the provisions of this subsection  
42 (d), such member, whether he has been employed in said  
43 department for twenty years or not, shall receive retirement  
44 pension benefits payable in twelve monthly installments for  
45 each year of the remainder of his life, in an amount equal  
46 to sixty percent of such member's average annual salary or  
47 compensation received during the three fiscal years, not neces-

48 sarily consecutive, in which such member received his highest  
49 salary or compensation while a member of the department,  
50 or an amount of two hundred dollars per month, whichever  
51 shall be greater, and if such member has been employed in  
52 said department for more than twenty years, the provisions  
53 of subsection (b) of this section shall apply.

54 (e) It shall be the duty of each member of a paid police  
55 or fire department at the time a fund is hereafter established  
56 to furnish the necessary proof of his date of birth to the  
57 said board of trustees, as specified in section twenty-three of  
58 this article, within a reasonable length of time, said length  
59 of time to be determined by the said board of trustees; and  
60 then the board of trustees and the mayor shall proceed to act  
61 in the manner provided in subsection (d) of this section and  
62 shall cause all members of the paid police or fire department  
63 who are over the age of sixty-five years to be retired in not  
64 less than sixty days from the date the fund is established.  
65 Upon retirement under the provisions of this subsection (e),  
66 such member, whether he has been employed in said depart-  
67 ment for twenty years or not, shall receive retirement pension  
68 benefits payable in twelve monthly installments for each year  
69 of the remainder of his life, in an amount equal to sixty  
70 percent of such member's average annual salary or com-  
71 pensation received during the three fiscal years, not neces-  
72 sarily consecutive, in which such member received his highest  
73 salary or compensation while a member of the department, or  
74 an amount of two hundred dollars per month, whichever  
75 shall be greater, and if such member has been employed in  
76 said department for more than twenty years, the provisions  
77 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

*Dorcas C. Chruslow*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. Willoughby*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*W. T. Bratherton Jr.*  
President of the Senate

*Leura T. McNamee*  
Speaker House of Delegates

The within *Approved* this the *3<sup>rd</sup>*  
*March*  
day of \_\_\_\_\_, 1975.

*Arthur A. Haaref*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2/26/75

Time 5:20 p.m.