

No: 603

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-26-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 603

(By Mr. Heep)



PASSED March 10, 1983

In Effect sixty days from Passage



ENROLLED
Senate Bill No. 603
(By MR. HECK)

[Passed March 10, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen-d, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the additional fire and casualty insurance premium tax dedicated to policemen's and firemen's pension and relief funds and volunteer fire departments; and certain premiums exempt.

Be it enacted by the Legislature of West Virginia:

That section fourteen-d, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds; effective date.

1 (a) For the purpose of providing additional revenue
2 for municipal policemen's and firemen's pension and
3 relief funds and additional revenue for volunteer and
4 part volunteer fire companies and departments, there is
5 hereby levied and imposed, on and after the first day of
6 January, one thousand nine hundred eighty-two, an
7 additional premium tax equal to one percent of gross
8 direct premiums collected, less premiums returned to
9 policyholders because of cancellation of policies, for fire
10 insurance and casualty insurance policies. For purposes

11 of this section, casualty insurance shall not include in-
12 surance on the life of a debtor pursuant to or in connec-
13 tion with a specific loan or other credit transaction or
14 insurance on a debtor to provide indemnity for payments
15 becoming due on a specific loan or other credit transaction
16 while the debtor is disabled as defined in the policy. Ex-
17 cept as otherwise provided in this section, all provisions
18 of this article relating to the levy, imposition and collec-
19 tion of the regular premium tax are applicable to the levy,
20 imposition and collection of the additional tax.

21 All moneys collected from this additional tax shall be
22 received by the commissioner and paid by him into a
23 special account in the state treasury, designated the
24 municipal pensions and protection fund. The net pro-
25 ceeds of this tax after appropriation thereof by the
26 Legislature, shall be distributed in accordance with the
27 provisions of subsection (c) of this section.

28 (b) Before the first day of August, one thousand nine
29 hundred eighty-three, and before the first day of August
30 of each calendar year thereafter, the treasurer of each
31 municipality in which a municipal policemen's or fire-
32 men's pension and relief fund has been established shall
33 report to the state treasurer the average monthly number
34 of members who worked at least one hundred hours per
35 month of municipal policemen's or firemen's pension
36 systems during the preceding fiscal year. Before the first
37 day of August, one thousand nine hundred eighty-three,
38 and before the first day of August of each calendar year
39 thereafter, the state fire marshal shall report to the state
40 treasurer the names and addresses of all volunteer and
41 part volunteer fire companies and departments within the
42 state which meet the eligibility requirements established
43 in section eight-a, article fifteen, chapter eight of this
44 code.

45 Before the first day of September, one thousand nine
46 hundred eighty-three, and before the first day of Septem-
47 ber of each calendar year thereafter, the state treasurer
48 shall allocate and authorize for distribution the revenues
49 in the municipal pensions and protection fund which
50 were collected during the preceding calendar year to

51 municipal policemen's and firemen's pension and relief
52 funds and to volunteer and part volunteer fire companies
53 and departments. Seventy-five percent of the aforementioned
54 revenues allocated shall be allocated to municipal
55 policemen's and firemen's pension and relief funds and
56 twenty-five percent of such allocated revenues shall be
57 allocated to volunteer and part volunteer fire companies
58 and departments.

59 (c) (1) Each municipal pension and relief fund shall
60 have allocated and authorized for distribution a pro rata
61 share of the revenues allocated to municipal policemen's
62 and firemen's pension and relief funds based upon the
63 corresponding municipality's average monthly number of
64 members who worked at least one hundred hours per
65 month during the preceding fiscal year. All moneys re-
66 ceived by municipal pension and relief funds under this
67 section may be expended only for the purposes described
68 in sections sixteen through twenty-eight, article twenty-
69 two, chapter eight of this code.

70 (2) Each volunteer fire company or department shall
71 receive an equal share of the revenues allocated for
72 volunteer and part volunteer fire companies and depart-
73 ments.

74 (3) In addition to the share allocated and distributed
75 in accordance with subdivision (1) of this subsection,
76 each municipal fire department composed of full-time
77 paid members and volunteers and part volunteer fire
78 companies and departments shall receive a share equal
79 to the share distributed to volunteer fire companies under
80 subdivision (2) of this subsection reduced by an amount
81 equal to such share multiplied by the ratio of the num-
82 ber of full-time paid fire department members who are
83 also members of a municipal firemen's pension system to
84 the total number of members of such fire department.

85 (d) The allocation and distribution of revenues pro-
86 vided for in this section are subject to the provisions of
87 section twenty, article twenty-two, and sections eight-a
88 and eight-b, article fifteen, chapter eight of this code.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 26

day of March, 1983.

[Signature]
Governor

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