WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED
Com. Sub. For
HOUSE BILL No. H1285

(By Delegate Kiss)

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Passed March 6, 1992
In Effect From Passage
AN ACT to amend and reenact section twenty-seven, article twenty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to disability, retirement and death benefits for paid police or fire departments; and removing the provision that restricts credits to continuous service members who enter the armed services of the United States or the national guard during hostilities.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven, 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; POLICE-MEN'S PENSION AND RELIEF FUND; FIRE-MEN'S PENSION AND RELIEF FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND SEWERAGE SYSTEM.

(a) In determining the years of service of a member
in a paid police or fire department for the purpose of
ascertaining certain disability pension benefits, all
retirement pension benefits and certain death benefits,
the following provisions shall be applicable:

(1) Absence from the service because of sickness or
injury for a period of two years or less shall not be
construed as time out of service; and

(2) Any member of any paid police or fire department
covered by the provisions of sections sixteen through
twenty-eight of 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 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 air national guard, whose reserve unit or guard unit
is called into active duty for one year or more, or who
enlists in one of the armed forces of the United States,
and who upon receipt of an honorable discharge from
such armed forces presents himself for resumption of
duty to his appointing municipal official within six
months from his date of discharge, and is accepted by
the pension board's board of medical examiners as being
mentally and physically capable of performing his
required duties as a member of such paid police or fire
department, shall be given credit for continuous service
in said paid police or fire department, and his rights
shall be governed as herein provided. No member of a
paid police or fire 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.

(b) As to any former member of a paid police or fire
department receiving disability pension benefits or
retirement pension benefits from a policemen's or
firemen's pension and relief fund, on the first day of
July, one thousand nine hundred eighty-five, the
following provisions shall govern and control the amount
of such pension benefits:

(1) A former member who on June thirtieth, one
thousand nine hundred sixty-two, was receiving disability pension benefits or retirement pension benefits from a policemen's or firemen's pension and relief fund, shall continue to receive pension benefits, but on and after July one, one thousand nine hundred eighty-five, such pension benefits shall be no less than the amount of five hundred dollars per month; and

(2) A former member who became entitled to disability pension benefits or retirement pension benefits on or after July one, one thousand nine hundred sixty-two, shall continue to receive pension benefits, but on and after July one, one thousand nine hundred eighty-five, shall receive the disability pension benefits, or retirement pension benefits provided for in section twenty-four or section twenty-five of this article, as the case may be.

(c) As to any surviving spouse, dependent child or children, or dependent father or mother, or dependent brothers or sisters, of any former member of a paid police or fire department, receiving any death benefits from a policemen's pension and relief fund or firemen's pension and relief fund, on the first day of July, one thousand nine hundred eighty-five, the following provisions shall govern and control the amount of such death benefits:

(1) A surviving spouse, dependent child or children, or dependent father or mother, or dependent brothers or sisters, of any former member, who on June thirty, one thousand nine hundred sixty-two, was receiving any death benefits from a policemen's pension and relief fund or firemen's pension and relief fund, shall continue to receive death benefits, but on and after July one, one thousand nine hundred eighty-five, such death benefits shall be no less than the following amounts: To a surviving spouse, until death or remarriage, the sum of three hundred dollars per month, to each dependent child the sum of thirty dollars per month, until such child shall attain the age of eighteen years or marries, whichever first occurs; to each dependent orphaned child, the sum of forty-five dollars per month, until such child attains the age of eighteen years or marries,
whichever first occurs; to each dependent father and
mother the sum of thirty dollars per month for each; to
each dependent brother or sister, the sum of fifty dollars
per month, until such individual attains the age of
eighteen years or marries, whichever first occurs, but
in no event shall the aggregate amount paid to such
brothers and sisters exceed one hundred dollars per
month. If at any time, because of the number of
dependents, all such dependents cannot be paid in full
as herein provided, then each dependent shall receive
his pro rata share of such payments. In no case shall the
payments to the surviving spouse and children be cut
below sixty-five percent of the total amount paid to all
dependents; and

(2) A surviving spouse, dependent child or children,
or dependent father or mother, or dependent brothers
or sisters, of any former member, who became eligible
for death benefits on or after July one, one thousand nine
hundred sixty-two, shall continue to receive death
benefits, but on and after July one, one thousand nine
hundred eighty-five, shall receive the death benefits
provided for in section twenty-six of this article.

(d) A former member who is receiving disability
pension benefits on the first day of July, one thousand
nine hundred eighty-five, shall continue to receive
disability pension benefits provided for in section
twenty-four of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 30th day of ______, 1992.

[Signature]
Governor