

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 358**

4 (By Senators Jenkins, Plymale, Chafin and McCabe)

5 _____
6 [Originating in the Committee on Pensions;

7 reported March 4, 2013.]
8 _____

9
10
11 A BILL to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of
12 the Code of West Virginia, 1931, as amended; to amend said
13 code by adding thereto a new section, designated §8-22-18c;
14 and to amend and reenact §8-22A-4 and §8-22A-9 of said code,
15 all relating to municipal policemen and firemen pensions;
16 providing additional investigatory and legal powers and duties
17 of the West Virginia Municipal Pensions Oversight Board;
18 liability for board acts or omissions concerning investigatory
19 or legal actions; requiring certain notice of lawsuit to the
20 West Virginia Municipal Pensions Oversight Board; limiting
21 certain court orders under certain circumstances; clarifying
22 refunds to members; clarifying circumstances in which a member
23 may retire when the member's service has been interrupted by
24 duty with the armed forces of the United States; extending the

1 cut-off date for the West Virginia Municipal Police Officers
2 and Firefighters Retirement System plan to 2017;and continuing
3 the municipality's disability retirement purchase requirement
4 until 2017.

5 *Be it enacted by the Legislature of West Virginia:*

6 That §8-22-18a, §8-22-19a and §8-22-25 of the Code of West
7 Virginia, 1931, as amended, be amended and reenacted; that said
8 code be amended by adding thereto a new section, designated
9 §8-22-18c; and that §8-22A-4 and §8-22A-9 of said code be amended
10 and reenacted, all to read as follows:

11 **ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION**
12 **AND RELIEF FUND; FIREMEN'S PENSION AND RELIEF**
13 **FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS**
14 **SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND**
15 **SEWERAGE SYSTEM.**

16 **§8-22-18a. West Virginia Municipal Pensions Oversight Board**
17 **created; powers and duties; management;**
18 **composition; terms; quorum; expenses; reports.**

19 (a) (1) ~~There is established, on the effective date of the~~
20 ~~enactment of this section during the fourth extraordinary session~~
21 ~~of the Legislature in 2009,~~ The West Virginia Municipal Pensions
22 Oversight Board, established in 2009, is hereby continued as a
23 public body corporate for the purpose of monitoring and improving
24 the performance of municipal policemen's and firemen's pension and

1 relief funds to assure prudent administration, investment and
2 management of the funds. Management of the oversight board shall
3 be vested solely in the members of the oversight board. Duties of
4 the oversight board shall include, but not be limited to, assisting
5 municipal boards of trustees in performing their duties, assuring
6 the funds' compliance with applicable laws, providing for actuarial
7 studies, distributing tax revenues to the funds, initiating or
8 joining legal actions on behalf of active or retired pension fund
9 members or municipal boards of trustees to protect interests of the
10 members in the funds and taking other actions as may be reasonably
11 necessary to provide for the security and fiscal integrity of the
12 pension funds. The oversight board's authority to initiate legal
13 action does not preempt the authority of municipalities, municipal
14 policemen's and firemen's boards of trustees or pension fund active
15 members, beneficiaries or others to initiate legal action to
16 protect interests in the funds. ~~The oversight board is created as~~
17 ~~a public body corporate.~~ Further, the oversight board may, in its
18 discretion, investigate the actions or practices of municipal
19 boards of trustees or of their administrators or employees that, in
20 the oversight board's judgment, have the potential to threaten the
21 security or fiscal integrity of the pension funds, and the boards
22 of trustees, administrators and employees shall cooperate with the
23 oversight board in any investigation. Regardless of whether it has
24 previously conducted an investigation, the oversight board may

1 initiate or intervene in legal actions to challenge or prevent any
2 action or practice which, in the oversight board's judgment, has
3 the potential to threaten the security or fiscal integrity of the
4 pension funds. Establishment of the oversight board does not
5 relieve the municipal funds' boards of trustees from their
6 fiduciary and other duties to the funds, nor does it create any
7 liability for the funds on the part of the state. The failure of
8 the oversight board to investigate or initiate legal actions
9 regarding the actions or practices of municipal boards of trustees,
10 their administrators or employees does not render the oversight
11 board liable for the actions or practices. Members and employees
12 of the oversight board are not liable personally, either jointly or
13 severally, for debts or obligations of the municipal pension and
14 relief funds. Except as otherwise provided herein, members and
15 employees of the oversight board have a fiduciary duty toward the
16 municipal pension and relief funds and are liable for malfeasance
17 or gross negligence. Employees of the oversight board are
18 ~~nonclassified~~ classified-exempt state employees.

19 (2) The oversight board shall consist of nine members. The
20 Executive Director of the state's Investment Management Board and
21 the Executive Director of the state's Consolidated Public
22 Retirement Board, or their designees, shall serve as voting ex
23 officio members. The other seven members shall be citizens of the
24 state who have been qualified electors of the state for a period of

1 at least one year next preceding their appointment and shall be as
2 follows: An active or retired member of a Municipal Policemen's
3 Pension and Relief Fund chosen from a list of three persons
4 submitted to the Governor by the state's largest professional
5 municipal police officers organization, an active or retired member
6 of a Municipal Firemen's Pension and Relief Fund chosen from a list
7 of three persons submitted to the Governor by the state's largest
8 professional firefighters organization, an attorney experienced in
9 finance and investment matters related to pensions management, two
10 persons experienced in pension funds management, one person who is
11 a certified public accountant experienced in auditing and one
12 person chosen from a list of three persons submitted to the
13 Governor by the state's largest association of municipalities.

14 (3) On the effective date of the enactment of this section as
15 amended during the fourth extraordinary session of the Legislature
16 in 2009, the Governor shall forthwith appoint the members, with the
17 advice and consent of the Senate. The Governor may remove any
18 member from the oversight board for neglect of duty, incompetency
19 or official misconduct.

20 (b) The oversight board has the power to:

21 (1) Enter into contracts, to sue and be sued, to implead and
22 be impleaded;

23 (2) Promulgate and enforce bylaws and rules for the management
24 and conduct of its affairs;

1 (3) Maintain accounts and invest those funds which the
2 oversight board is charged with receiving and distributing;

3 (4) Make, amend and repeal bylaws, rules and procedures
4 consistent with the provisions of this article and chapter
5 thirty-three of this code;

6 (5) Notwithstanding any other provision of law, retain or
7 employ, fix compensation, prescribe duties and pay expenses of
8 legal, accounting, financial, investment, management and other
9 staff, advisors or consultants as it considers necessary, including
10 the hiring of legal counsel and actuary; and

11 (6) Do all things necessary and appropriate to implement and
12 operate the board in performance of its duties. Expenses shall be
13 paid from the moneys in the Municipal Pensions Security Fund
14 created in section eighteen-b of this article or, prior to the
15 transition provided in section eighteen-b of this article, the
16 Municipal Pensions and Protection Fund: *Provided*, That the board
17 may request special appropriation for special projects. The
18 oversight board is exempt from provisions of article three, chapter
19 five-a of this code for the purpose of contracting for actuarial
20 services, including the services of a reviewing actuary.

21 (c) Except for ex officio members, the terms of oversight
22 board members shall be staggered initially from January 1, 2010.
23 The Governor shall appoint initially one member for a term of one
24 year, one member for a term of two years, two members for terms of

1 three years, one member for a term of four years and two members
2 for terms of five years. Subsequent appointments shall be for
3 terms of five years. A member serving two full consecutive terms
4 may not be reappointed for one year after completion of his or her
5 second full term. Each member shall serve until that member's
6 successor is appointed and qualified. Any member may be removed by
7 the Governor in case of incompetency, neglect of duty, gross
8 immorality or malfeasance in office. Any vacancy on the oversight
9 board shall be filled by appointment by the Governor for the
10 balance of the unexpired term.

11 (d) A majority of the full authorized membership of the
12 oversight board constitutes a quorum. The board shall meet at
13 least quarterly each year, but more often as duties require, at
14 times and places that it determines. The oversight board shall
15 elect a chairperson and a vice chairperson from their membership
16 who shall serve for terms of two years and shall select annually a
17 secretary/treasurer who may be either a member or employee of the
18 board. The oversight board shall employ an executive director and
19 other staff as needed and shall fix their duties and compensation.
20 The compensation of the executive director shall be subject to
21 approval of the Governor. Except for any special appropriation as
22 provided in subsection (b) of this section, all personnel and other
23 expenses of the board shall be paid from revenue collected and
24 allocated for municipal policemen's or municipal firemen's pension

1 and relief funds pursuant to section fourteen-d, article three,
2 chapter thirty-three of this code and distributed through the
3 Municipal Pensions and Protection Fund or the Municipal Pensions
4 Security Fund created in section eighteen-b of this article.
5 Expenses during the initial year of the board's operation shall be
6 from proceeds of the allocation for the municipal pensions and
7 relief funds. Expenditures in years thereafter shall be by
8 appropriation from the Municipal Pensions Security Fund. Money
9 allocated for municipal policemen's and firemen's pension and
10 relief funds to be distributed from the Municipal Pensions and
11 Protection Fund or the Municipal Pensions Security Fund shall be
12 first allocated to pay expenses of the oversight board and the
13 remainder in the fund distributed among the various municipal
14 pension and relief funds as provided in section fourteen-d, article
15 three, chapter thirty-three of this code. The board is exempt from
16 the provisions of sections seven and eleven, article three, chapter
17 twelve of this code relating to compensation and expenses of
18 members, including travel expenses.

19 (e) Members of the oversight board shall serve the board
20 without compensation for their services: *Provided*, That no public
21 employee member may suffer any loss of salary or wages on account
22 of his or her service on the board. Each member of the board shall
23 be reimbursed, on approval of the board, for any necessary expenses
24 actually incurred by the member in carrying out his or her duties.

1 All reimbursement of expenses shall be paid out of the Municipal
2 Pensions Security Fund.

3 (f) The board may contract with other state boards or state
4 agencies to share offices, personnel and other administrative
5 functions as authorized under this article: *Provided*, That no
6 provision of this subsection may be construed to authorize the
7 board to contract with other state boards or state agencies to
8 otherwise perform the duties or exercise the responsibilities
9 imposed on the board by this code.

10 (g) The board shall propose rules for legislative approval in
11 accordance with the provisions of article three, chapter
12 twenty-nine-a of this code as necessary to implement the provisions
13 of this article, and may initially promulgate emergency rules
14 pursuant to the provisions of section fifteen, article three,
15 chapter twenty-nine-a of this code.

16 (h) The oversight board shall report annually to the
17 Legislature's Joint Committee on Government and Finance and the
18 Joint Committee on Pensions and Retirement concerning the status of
19 municipal policemen's and firemen's pension and relief funds and
20 shall present recommendations for strengthening and protecting the
21 funds and the benefit interests of the funds' members.

22 (i) The oversight board shall cooperate with the West Virginia
23 Investment Management Board and the Board of Treasury Investments
24 to educate members of the local pension boards of trustees on the

1 services offered by the two state investment boards. No later than
2 October 31, 2013, the board shall report to the Joint Committee on
3 Government and Finance and the Joint Committee on Pensions and
4 Retirement a detailed comparison of returns on long-term
5 investments of moneys held by or allocated to municipal pension and
6 relief funds managed by the West Virginia Investment Management
7 Board and those managed by others than the Investment Management
8 Board. The oversight board shall also report at that time on
9 short-term investment returns by local pension boards using the
10 West Virginia Board of Treasury Investments compared to short-term
11 investment returns by those local boards of trustees not using the
12 Board of Treasury Investments.

13 (j) The oversight board shall establish minimum requirements
14 for training to be completed by each member of the board of
15 trustees of a Municipal Policemen's or Firemen's Pension and Relief
16 Fund. The requirements should include, but not be limited to,
17 training in ethics, fiduciary duty and investment responsibilities.

18 **§8-22-18c. Notice of legal actions by or against municipal**
19 **policemen's and firemen's pension funds.**

20 In any legal action in which a municipal policemen's or
21 firemen's pension and relief fund, or the fund's board of trustees,
22 employee or administrator, is named as a party, the plaintiff or
23 petitioner shall serve a copy of the complaint or petition upon the
24 oversight board by certified mail, return receipt requested, within

1 seven days of filing the legal action. Until proof of service is
2 filed with the clerk of the court in which the action was filed,
3 and for sixty days after the filing of the proof of service, no
4 order may be entered by the court that directly or indirectly
5 requires the expenditure or other disposition of pension funds or
6 that determines the eligibility or entitlement of any member to any
7 pension benefit payable from the pension and relief fund: *Provided,*
8 That the court may enter such temporary or interim orders as may be
9 needed to preserve and protect the assets of the fund. In any legal
10 action involving a municipal policemen's or firemen's pension and
11 relief fund the oversight board is entitled to intervene for the
12 purpose of preserving the security or fiscal integrity of the
13 pension fund.

14 **§8-22-19a. Refunds of member contributions.**

15 After January 1, 2010, any member of a paid police department
16 or fire department who is removed or discharged or who before
17 retirement on any retirement pension or disability pension severs
18 his or her connection with said department, whether or not
19 consecutive, shall, upon request, be refunded all pension and
20 relief fund deductions made from ~~his~~ the member's salary or
21 compensation, but without interest from the fund. The refund shall
22 come from the accounts which originally received the member
23 deductions. For municipalities using the conservation method of
24 funding, the member contributions are to be refunded from both the

1 Municipal Pension and Relief Fund and the city benefit account, in
2 the exact percentages that were initially deposited to the
3 respective accounts. Any member who receives ~~such a~~ refund and
4 ~~such member~~ subsequently wishes to reenter ~~the~~ his or her
5 department ~~such police officer or fire fighter~~ shall not be allowed
6 to reenter the department unless ~~such~~ the police officer or
7 firefighter repays to the pension and relief fund all sums refunded
8 to him or her in a lump sum at the date of reentry, or by monthly
9 payroll deductions within thirty-six months from the date he or she
10 reenters the department, with interest at the rate of eight percent
11 per annum. In the event such refund is made prior to January 1,
12 1981, and such member subsequently reenters the department such
13 police officer or firefighter shall be allowed membership in such
14 pension and relief fund; however, no credit may be allowed such
15 member for any former service, unless such member repays to the
16 pension and relief fund all sums refunded to ~~him~~ the member within
17 one year from the date ~~he~~ the member reenters the department with
18 interest at the rate of eight percent per annum: *Provided, That*
19 ~~any member who, on or before June 3, 1955, reentered the paid~~
20 ~~police or fire department shall be allowed credit for any former~~
21 ~~service in the same department reentered if he, within one year~~
22 ~~from said June 3, 1955, repaid all sums withdrawn or refunded to~~
23 ~~him with interest at the rate of six percent per annum, but for~~
24 such member who receives such refund prior to January 1, 1980,

1 interest may not be charged for more than three years. Any
2 probationary member of a paid police or fire department who is not
3 given an absolute appointment at the end of ~~his~~ the member's
4 probationary period shall, upon request, be refunded all pension
5 and relief fund deductions made from ~~his~~ the member's salary or
6 compensation, but without interest. Any member contribution made
7 in fiscal years beginning on July 1, 1981, and thereafter by any
8 members of such fund, which is in excess of the percentages,
9 required in section nineteen of this article of such member's
10 salary or compensation as defined in section sixteen of this
11 article, shall be refunded with eight percent interest to such
12 member upon completion of the calculation of ~~his~~ the member's
13 retirement benefit.

14 **§8-22-25. Retirement pensions.**

15 (a) Any member of a paid police or fire department who is
16 entitled to a retirement pension hereunder, and who has been in the
17 honorable service of such department for twenty years, may, upon
18 written application to the board of trustees, be retired from all
19 service in such department without medical examination or
20 disability. On such retirement the board of trustees shall
21 authorize the payment of annual retirement pension benefits
22 commencing upon ~~his~~ the member's retirement or upon ~~his~~ the
23 member's attaining the age of fifty years, whichever is later,
24 payable in twelve monthly installments for each year of the

1 remainder of ~~his~~ the member's life, in an amount equal to sixty
2 percent of such member's average annual salary or compensation
3 received during the three twelve-consecutive-month periods of
4 employment with such department in which such member received ~~his~~
5 the member's highest salary or compensation while a member of the
6 department, or an amount of \$500 per month, whichever is greater.

7 (b) Any member of any such department who is entitled to a
8 retirement pension under the provisions of subsection (a) of this
9 section and who has been in the honorable service of such
10 department for more than twenty years at the time of ~~his~~ the
11 member's retirement shall receive, in addition to the sixty percent
12 authorized in said subsection (a):

13 (1) Two additional percent, to be added to the sixty percent
14 for each of the first five additional years of service completed at
15 the time of retirement in excess of twenty years of service up to
16 a maximum of seventy percent; and

17 (2) One additional percent, to be added to such maximum of
18 seventy percent, for each of the first five additional years of
19 service completed at the time of retirement in excess of
20 twenty-five years of service up to a maximum of seventy-five
21 percent.

22 The total additional credit provided for in this subsection
23 may not exceed fifteen additional percent.

24 (c) Any member of any such department whose service has been

1 interrupted by duty with the armed forces of the United States as
2 provided in section twenty-seven of this article prior to July 1,
3 1981, shall be eligible for retirement pension benefits immediately
4 upon retirement, regardless of ~~his~~ the member's age, if ~~he~~ the
5 member shall otherwise be eligible for such retirement pension
6 benefits. In no event are provisions of this subsection to be
7 interpreted to permit retirement before age fifty unless the
8 interruption of the member's service by duty with the armed forces
9 of the United States actually occurred before July 1, 1981. The
10 amendment made to this subsection during the 2013 regular session
11 of the Legislature is not for the purpose of changing the existing
12 law regarding benefits provided to veterans for military service
13 prior to July 1, 1981, but to further clarify that the provisions
14 of this section and any previous enactments of this section do not
15 make a member eligible for retirement before age fifty for a
16 member's service with the armed forces of the United States after
17 to July 1, 1981.

18 Any member or previously retired member of any such department
19 who has served in active duty with the armed forces of the United
20 States as described in section twenty-seven of this article,
21 whether prior to or subsequent to becoming a member of a paid
22 police or fire department covered by the provisions of this
23 article, shall receive, in addition to the sixty percent authorized
24 in subsection (a) of this section and the additional percent credit

1 authorized in subsection (b) of this section, one additional
2 percent for each year so served in active military duty, up to a
3 maximum of four additional percent. In no event, however, may the
4 total benefit granted to any member exceed seventy-five percent of
5 the member's annual average salary calculated in accordance with
6 subsection (a) of this section.

7 (d) Any member of a paid police ~~for~~ or fire department shall
8 be retired at the age of sixty-five years in the manner provided in
9 this subsection. When a member of the paid police or fire
10 department reaches the age of sixty-five years, the said board of
11 trustees shall notify the mayor of this fact, within thirty days of
12 such member's sixty-fifth birthday. The mayor shall cause such
13 sixty-five-year-old member of the paid police or fire department to
14 retire within a period of not more than thirty additional days.
15 Upon retirement under the provisions of this subsection, such
16 member shall receive retirement pension benefits payable in twelve
17 monthly installments for each year of the remainder of ~~his~~ the
18 member's life in an amount equal to sixty percent of such member's
19 average annual salary or compensation received during the three
20 twelve-consecutive-month periods of employment with such department
21 in which such member received ~~his~~ the member's highest salary or
22 compensation while a member of the department, or an amount of \$500
23 per month, whichever is greater. If such member has been employed
24 in said department for more than twenty years, the provisions of

1 subsection (b) of this section shall apply.

2 (e) It shall be the duty of each member of a paid police or
3 fire department at the time a fund is hereafter established to
4 furnish the necessary proof of ~~his~~ the member's date of birth to
5 the said board of trustees, as specified in section twenty-three of
6 this article, within a reasonable length of time, said length of
7 time to be determined by the said board of trustees. Then the
8 board of trustees and the mayor shall proceed to act in the manner
9 provided in subsection (d) of this section and shall cause all
10 members of the paid police or fire department who are over the age
11 of sixty-five years to retire in not less than sixty days from the
12 date the fund is established. Upon retirement under the provisions
13 of this subsection (e), such member, whether ~~he~~ the member has been
14 employed in said department for twenty years or not, shall receive
15 retirement pension benefits payable in twelve monthly installments
16 for each year of the remainder of ~~his~~ the member's life in an
17 amount equal to sixty percent of such member's average annual
18 salary or compensation received during the three
19 twelve-consecutive-month periods of employment with such department
20 in which such member received ~~his~~ the member's highest salary or
21 compensation while a member of the department, or an amount of \$500
22 per month, whichever is greater. If such member has been employed
23 in said department for more than twenty years, the provisions of
24 subsection (b) of this section shall apply.

1 **ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND**
2 **FIREFIGHTERS RETIREMENT SYSTEM.**

3 **§8-22A-4. Creation and administration of West Virginia Municipal**
4 **Police Officers and Firefighters Retirement System;**
5 **specification of actuarial assumptions.**

6 There is hereby created the West Virginia Municipal Police
7 Officers and Firefighters Retirement System. The purpose of this
8 system is to provide for the orderly retirement of certain police
9 officers and firefighters who become superannuated because of age
10 or permanent disability and to provide certain survivor death
11 benefits. Substantially all of the members of the retirement
12 system shall be qualified public safety employees as defined in
13 section two of this article. The retirement system shall come into
14 effect January 1, 2010: *Provided*, That if the number of members in
15 the system are fewer than one hundred on January 1, ~~2014~~ 2017, then
16 all of the provisions of this article are void and of no force and
17 effect, and memberships in the system will be merged into the
18 Emergency Medical Services Retirement System created in article
19 five-v, chapter sixteen of this code. If merger is required, the
20 board shall take all necessary steps to see that the voluntary
21 transfers of persons and assets authorized by this article do not
22 affect the qualified status with the Internal Revenue Service of
23 either retirement plan. All business of the system shall be
24 transacted in the name of the West Virginia Municipal Police

1 Officers and Firefighters Retirement System. The board shall
2 specify and adopt all actuarial assumptions for the plan at its
3 first meeting of every calendar year or as soon thereafter as may
4 be practicable, which assumptions shall become part of the plan.

5 **§8-22A-9. Retirement; commencement of benefits; insurance**
6 **requirements during early period.**

7 (a) To ensure the fiscal integrity of the retirement system
8 during the start-up phase, no member is entitled to retirement,
9 disability or death benefits under this retirement system until
10 January 1, ~~2013~~ 2017. Participating municipalities shall purchase
11 insurance for their new plan members to provide coverage in an
12 amount equal to disability coverage otherwise provided in sections
13 seventeen and eighteen of this article and death benefits otherwise
14 provided in sections twenty, twenty-two and twenty-three of this
15 article for claims arising before January 1, 2013: Provided, That
16 pursuant to the amendments made to this subsection during the 2013
17 regular session of the Legislature, participating municipalities
18 shall reinstate or purchase the insurance coverage for all plan
19 members no later than July 1, 2013, and continue coverage through
20 January 1, 2017.

21 (b) A member may retire and commence to receive retirement
22 income payments on the first day of the calendar month following
23 written application for his or her voluntary petition for
24 retirement coincident with or next following the later of the date

1 the member ceases employment, or the date the member attains early
2 or normal retirement age, in an amount as provided under this
3 article: *Provided*, That retirement income payments under this plan
4 are subject to the provisions of this article. On receipt of the
5 petition, the board shall promptly provide the member with an
6 explanation of his or her optional forms of retirement benefits and
7 on receipt of properly executed forms from the member, the board
8 shall process a member's request for and commence payments as soon
9 as administratively feasible.

(NOTE: This purpose of this bill is to grant additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board. The bill requires certain notices of lawsuits to the West Virginia Municipal Pensions Oversight Board. The bill limits certain court orders under certain circumstances. The bill clarifies that a member may retire when the member's service has been interrupted by duty with the Armed Forces of the United States. The bill extends the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan from 2014 to 2017.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§8-22-18c is new; therefore, strike-throughs and underscoring have been omitted.)

GOVERNMENT ORGANIZATION COMMITTEE AMENDMENTS

On page twenty-one, section twenty-five, line fifty-four, by striking out the word "to".

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 358--A BILL to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 and §8-22A-9 of said code, all relating to municipal policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; liability disclaimer for board acts or omissions concerning investigatory or legal actions; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances in which a member may retire when the member's service has been interrupted by duty with the armed forces of the United States; extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017; and continuing the municipality's disability retirement purchase requirement until 2017.