

Senate Bill No. 483

(By Senators Gaunch, D. Hall, Karnes,
Maynard, Plymale, Sypolt and Woelfel)

[Introduced February 13, 2015;
referred to the Committee on Pensions.]

A BILL to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to boards of trustees of certain municipal policemen's pension and relief funds and certain municipal firemen's pension and relief funds.

Be it enacted by the Legislature of West Virginia:

That §8-22-18 of the Code of West Virginia, 1931, 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.

§8-22-18. Members of board of trustees; how elected; presiding officers; secretary.

1 (a) The board of trustees of the policemen's pension and relief fund shall consist of the mayor
2 of the municipality and four members of the paid police department, to be chosen as hereinafter in
3 this section specified. The mayor of such municipality shall give notice of an election to be held on
4 the second Monday of the month following the adoption of the ordinance providing for the

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1 establishment and maintenance of such fund, which notice shall be served upon each member of the
2 paid police department and which shall notify each member that between the hours of nine in the
3 forenoon and six in the afternoon, on the day designated for such election, an election will be held
4 for such purpose and that each member shall furnish in writing the names of four members of the
5 paid police department voted for; and all votes so cast shall be counted and canvassed by the mayor
6 and the governing body for the first election, and thereafter the votes shall be counted by the then
7 existing members of such board, who after such election shall announce the results, and the four
8 members of the paid police department receiving the highest number of votes shall, with the mayor,
9 constitute the Board of Trustees of the Policemen's Pension and Relief Fund of (name of
10 municipality). As to the first election held following the adoption of the ordinance providing for the
11 establishment and maintenance of such fund, the member receiving the highest number of votes shall
12 serve for a period of four years, the member receiving the second highest number of votes shall serve
13 for a period of three years, the member receiving the third highest number of votes shall serve for
14 a period of two years and the member receiving the fourth highest number of votes shall serve for
15 a period of one year.

16 (b) After ~~such~~ the first election, the board shall hold a similar election each year to elect one
17 member to succeed, for a term of four years, the retiring member. In the case of a tie vote being
18 received by any two individuals for the office of trustee, such tie vote shall be decided by casting
19 lots, or in any other way which may be agreed upon by the individuals for whom such tie vote was
20 cast. The results of such election shall be entered in the record of the proceedings of the board and
21 the members so elected shall, except as herein above specified with respect to the first election, serve
22 for four years and until their successors are elected and have qualified. The election for such

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1 members of the board of trustees shall be held annually upon the second Monday of the same month
2 during which the first election was held. In case of a vacancy by death, ~~resignation, or otherwise,~~
3 or resignation among the members so elected, the remaining members of the board shall choose the
4 successor, or successors, until the next annual election at which latter time all vacancies shall be
5 filled: Provided, That in the case of an elected member retiring during his or her term, the retired
6 member may continue to serve the remainder of his or her term.

7 (c) For all pension and relief funds closed after January 1, 2010, pursuant to section twenty-e
8 of this article and those closed after April 1, 2011, pursuant to section twenty-f of this article, the
9 boards shall continue to elect four trustees until there are no more beneficiaries to be paid from the
10 fund. Trustees are elected in the same manner and for the same terms but may be members of the
11 paid police department or retirees from the paid police department.

12 (d) The board of trustees of the firemen's pension and relief fund shall consist of the mayor
13 of the municipality and four members of the paid fire department, to be chosen in the same manner
14 and for such terms as is provided above in this section for the election of policemen to the
15 policemen's pension and relief fund board of trustees.

16 (e) The presiding officer of any such board of trustees shall be the mayor of the municipality
17 and the secretary thereof shall be appointed by the board. It shall be the duty of such secretary to
18 keep a full and permanent record of all of the proceedings of the board and said trustees may fix the
19 secretary's compensation for this work, which shall be paid out of the funds of said policemen's
20 pension and relief fund or firemen's pension and relief fund, as the case may be.

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(NOTE: The purpose of this bill is to clarify continuing election of trustees for municipal policemen's pension and relief funds and firemen's pension and relief funds which have closed to new members.

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