

FILED

2015 MAR 31 A 11:27

WEST VIRGINIA LEGISLATURE

EIGHTY-SECOND LEGISLATURE

REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED

Senate Bill No. 483

(BY SENATORS GAUNCH, D. HALL, KARNES, MAYNARD,
PLYMALE, SYPOLT AND WOELFEL)

[PASSED MARCH 13, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 483

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(BY SENATORS GAUNCH, D. HALL, KARNES, MAYNARD,
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[Passed March 13, 2015; in effect ninety day from passage.]

AN ACT 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
- 2 relief fund shall consist of the mayor of the municipality and

3 four members of the paid police department, to be chosen as
4 hereinafter in this section specified. The mayor of such
5 municipality shall give notice of an election to be held on the
6 second Monday of the month following the adoption of the
7 ordinance providing for the establishment and maintenance
8 of such fund, which notice shall be served upon each member
9 of the paid police department and which shall notify each
10 member that between the hours of nine in the forenoon and
11 six in the afternoon, on the day designated for such election,
12 an election will be held for such purpose and that each
13 member shall furnish in writing the names of four members
14 of the paid police department voted for; and all votes so cast
15 shall be counted and canvassed by the mayor and the
16 governing body for the first election, and thereafter the votes
17 shall be counted by the then existing members of such board,
18 who after such election shall announce the results, and the
19 four members of the paid police department receiving the
20 highest number of votes shall, with the mayor, constitute
21 "The Board of Trustees of the Policemen's Pension and
22 Relief Fund of (name of municipality)." As to the first
23 election held following the adoption of the ordinance
24 providing for the establishment and maintenance of such
25 fund, the member receiving the highest number of votes shall
26 serve for a period of four years, the member receiving the
27 second highest number of votes shall serve for a period of
28 three years, the member receiving the third highest number of
29 votes shall serve for a period of two years and the member
30 receiving the fourth highest number of votes shall serve for
31 a period of one year.

32 (b) After the first election, the board shall hold a similar
33 election each year to elect one member to succeed, for a term
34 of four years, the retiring member. In the case of a tie vote
35 being received by any two individuals for the office of
36 trustee, such tie vote shall be decided by casting lots, or in
37 any other way which may be agreed upon by the individuals

38 for whom such tie vote was cast. The results of such election
39 shall be entered in the record of the proceedings of the board
40 and the members so elected shall, except as herein above
41 specified with respect to the first election, serve for four years
42 and until their successors are elected and have qualified. The
43 election for such members of the board of trustees shall be
44 held annually upon the second Monday of the same month
45 during which the first election was held. In case of a vacancy
46 by death or resignation among the members so elected, the
47 remaining members of the board shall choose the successor,
48 or successors, until the next annual election at which latter
49 time all vacancies shall be filled: *Provided*, That in the case
50 of an elected member retiring during his or her term, the
51 retired member may continue to serve the remainder of his or
52 her term.

53 (c) The board of trustees of the firemen's pension and
54 relief fund shall consist of the mayor of the municipality and
55 four members of the paid fire department, to be chosen in the
56 same manner and for such terms as is provided above in this
57 section for the election of policemen to the policemen's
58 pension and relief fund board of trustees.

59 (d) The presiding officer of any such board of trustees
60 shall be the mayor of the municipality and the secretary
61 thereof shall be appointed by the board. It shall be the duty
62 of such secretary to keep a full and permanent record of all of
63 the proceedings of the board and said trustees may fix the
64 secretary's compensation for this work, which shall be paid
65 out of the funds of said policemen's pension and relief fund
66 or firemen's pension and relief fund, as the case may be.

67 (e) For all pension and relief funds closed after January
68 1, 2010, pursuant to subsection (e), section twenty of this
69 article and those closed after April 1, 2011, pursuant to
70 subsection (f), of said section, the boards shall continue to

71 elect four trustees until there are no more beneficiaries to be
72 paid from the fund. Trustees are elected in the same manner
73 and for the same terms but may be members of the paid
74 police or fire departments or retirees from the paid police or
75 fire departments.

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 of the House of Delegates

The within *is approved* this the *31st*
March
Day of, 2015.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2015

THRU 10:51 AM