

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 443

BY SENATORS NELSON, CLEMENTS, TRUMP, PLYMALE,

AND HAMILTON

[Originating in the Committee on Finance; reported on

February 11, 2022]

1 A BILL to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating
2 to including retired police officers or firefighters as electors of trustees for pension and
3 relief funds.

Be it enacted by the Legislature of West Virginia:

**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
2 mayor of the municipality and four members of the paid police department, to be chosen as
3 hereinafter in this section specified. The mayor of such municipality shall give notice of an election
4 to be held on the second Monday of the month following the adoption of the ordinance providing
5 for the establishment and maintenance of such fund, which notice shall be served upon each
6 member of the paid police department and which shall notify each member that between the hours
7 of 9:00 a.m. and 6:00 p.m., on the day designated for such election, an election will be held for
8 such purpose and that each member shall furnish in writing the names of four members of the
9 paid police department voted for; and all votes so cast shall be counted and canvassed by the
10 mayor and the governing body for the first election, and thereafter the votes shall be counted by
11 the then existing members of such board, who after such election shall announce the results, and
12 the four members of the paid police department receiving the highest number of votes shall, with
13 the mayor, constitute “The Board of Trustees of the Policemen’s Pension and Relief Fund of
14 (name of municipality)”. As to the first election held following the adoption of the ordinance
15 providing for the establishment and maintenance of such fund, the member receiving the highest
16 number of votes shall serve for a period of four years, the member receiving the second highest

17 number of votes shall serve for a period of three years, the member receiving the third highest
18 number of votes shall serve for a period of two years and the member receiving the fourth highest
19 number of votes shall serve for a period of one year.

20 (b) After the first election, the board shall hold a similar election each year to elect one
21 member to succeed, for a term of four years, the retiring member. In the case of a tie vote being
22 received by any two individuals for the office of trustee, such tie vote shall be decided by casting
23 lots, or in any other way which may be agreed upon by the individuals for whom such tie vote was
24 cast. The results of such election shall be entered in the record of the proceedings of the board
25 and the members so elected shall, except as herein above specified with respect to the first
26 election, serve for four years and until their successors are elected and have qualified. The
27 election for such members of the board of trustees shall be held annually upon the second
28 Monday of the same month during which the first election was held. In case of a vacancy by death
29 or resignation among the members so elected, the remaining members of the board shall choose
30 the successor, or successors, until the next annual election at which latter time all vacancies shall
31 be filled: *Provided*, That in the case of an elected member retiring during his or her term, the
32 retired member may continue to serve the remainder of his or her term.

33 (c) The Board of Trustees of the Firemen's Pension and Relief Fund shall consist of the
34 mayor of the municipality and four members of the paid fire department, to be chosen in the same
35 manner and for such terms as is provided above in this section for the election of policemen to
36 the policemen's pension and relief fund board of trustees.

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

43 (e) For all pension and relief funds closed after January 1, 2010, pursuant to §8-22-20(e)
44 of this code and those closed after April 1, 2011, pursuant to §8-22-20(f) of this code, the boards
45 shall continue to elect four trustees until there are no more beneficiaries to be paid from the fund.
46 The electors of trustees for pension and relief funds closed after January 1, 2010, pursuant to §8-
47 22-20(e) of this code and those closed after April 1, 2011, pursuant to §8-22-20(f) of this code are
48 to include active police officers or firefighters as the case may be, as well as retired members of
49 the pension fund. Trustees are elected in the same manner and for the same terms but may be
50 members of the paid police or fire departments or retirees from the paid police or fire departments.