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SEN. JEFF COOPER  
STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2888**

(By Delegate(s) Miley, Fragale, Manchin,  
Fleischauer, Longstreth and Caputo)

—●—  
Passed April 13, 2013

In effect ninety days from passage.

HB 2888

**E N R O L L E D**

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For

WEST VIRGINIA  
SENATE OF STATE

**H. B. 2888**

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(BY DELEGATE(S) MILEY, FRAGALE, MANCHIN,  
FLEISCHAUER, LONGSTRETH AND CAPUTO)

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AN ACT to amend and reenact §8-14-7 of the Code of West Virginia, 1931, as amended, relating to policemen's civil service commissions; authorizing commissioners to serve on other boards and commissions.

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

That §8-14-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.**

**§8-14-7. Policemen's civil service commission generally.**

1 (a) In every Class I and Class II city having a paid police  
2 department, there shall be a "Policemen's Civil Service  
3 Commission."

4 (b) The commission shall consist of three commissioners, as  
5 follows:

6 (1) One shall be appointed by the mayor of the city;

7 (2) One shall be appointed by the local fraternal order of  
8 police; and

9 (3) One shall be appointed by the local chamber of  
10 commerce, or if there is none, by a local business association.

11 (c) The commissioners shall be qualified voters of the city  
12 for which they are appointed.

13 (1) At least two of the commissioners shall be individuals in  
14 full sympathy with the purposes of the civil service provisions  
15 of this article.

16 (2) Not more than two of the commissioners, at any one  
17 time, may be registered to vote as members of the same political  
18 party.

19 (d) In the event there is no local chamber of commerce or  
20 local business association at the time any appointment is to be  
21 made by it, the appointment shall be made by the other two  
22 commissioners by mutual agreement.

23 (e) Members shall serve terms of four years, staggered in  
24 accordance with prior enactments of this section.

25 (f) (1) If any commissioner of the civil service commission  
26 ceases to be a member of the commission by virtue of death,  
27 final removal or other cause, a new commissioner shall be  
28 appointed to fill the unexpired term of the commissioner within  
29 ten days after the excommissioner has ceased to be a member of  
30 the commission.

31 (2) The appointment shall be made by the officer or body  
32 who in the first instance appointed the commissioner who is no  
33 longer a member of the commission, except that in the case of  
34 a vacancy in an appointment made by the Governor, which  
35 vacancy occurs after the effective date of this article, the  
36 appointment for the unexpired term shall be made by the mayor.

37 (g) Each year the three members of the commission shall,  
38 together, elect one of their number to act as president of the  
39 commission, who serves as president for one year.

40 (h) The mayor may, at any time, remove any commissioner  
41 or commissioners for good cause, which shall be stated in  
42 writing and made a part of the records of the commission.

43 (1) Once the mayor has removed any commissioner, the  
44 mayor shall within ten days file in the office of the clerk of the  
45 circuit court of the county in which the city or the major portion  
46 of the territory of the city is located a petition setting forth in  
47 full the reason for the removal and praying for the confirmation  
48 by the circuit court of the action of the mayor in so removing the  
49 commissioner.

50 (2) A copy of the petition shall be served upon the  
51 commissioner removed simultaneously with its filing in the  
52 office of the clerk of the circuit court and has precedence on the  
53 docket of the court and shall be heard by the court as soon as  
54 practicable upon the request of the removed commissioner or  
55 commissioners.

56 (i) (1) All rights vested in the circuit court by this section  
57 may be exercised by the judge thereof in vacation.

58 (2) If no term of the circuit court is being held at the time of  
59 the filing of the petition, and the judge cannot be reached in the  
60 county in which the petition was filed, the petition shall be  
61 heard at the next succeeding term of the circuit court, whether  
62 regular or special, and the commissioner or commissioners  
63 removed remains removed until a hearing is had upon the  
64 petition of the mayor.

65 (3) The court or the judge thereof in vacation shall hear and  
66 decide the issues presented by the petition.

67 (j) (1) The mayor or commissioner or commissioners, as the  
68 case may be, against whom the decision of the court or the judge  
69 thereof in vacation is rendered, has the right to petition the  
70 Supreme Court of Appeals for a review of the decision of the  
71 circuit court or the judge thereof in vacation as in other civil  
72 cases.

73 (2) If the mayor fails to file a petition in the office of the  
74 clerk of the circuit court within ten days after the removal of the  
75 commissioner or commissioners, the commissioner or  
76 commissioners shall immediately resume his or her or their  
77 position or positions as a member or members of the  
78 policemen's civil service commission.

79 (k) Any resident of the city has the right at any time to file  
80 charges against and seek the removal of any member of the  
81 policemen's civil service commission of the city.

82 (1) The charges shall be filed in the form of a petition in the  
83 office of the clerk of the circuit court of the county in which the  
84 city or the major portion of the territory of the city is located,  
85 and a copy of the petition shall be served upon the  
86 commissioner or commissioners sought to be removed.

87 (2) The petition shall be matured for hearing and heard by  
88 the circuit court or the judge thereof in vacation in the same  
89 manner as civil proceedings in the circuit courts of this state are  
90 heard, and the party against whom the circuit court's decision is  
91 rendered has the right to petition the Supreme Court of Appeals  
92 for a review of the action of the circuit court, as in other civil  
93 cases.

94 (l) A commissioner may not hold another office under the  
95 United States, this state, or any municipality, county or other  
96 political subdivision thereof, nor may a commissioner serve on  
97 a political committee or take an active part in the management  
98 of a political campaign, except that a commissioner may serve  
99 as a notary public or on another local, regional or state board or  
100 commission in a part-time capacity.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Darryl Welke*  
Chairman, House Committee

*Rocky Filburn*  
Member ~~Chairman~~ Senate Committee

Originating in the House.

In effect ninety days from passage.

*Gregg A. Soy*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*BS*  
Speaker of the House of Delegates

*Jeffrey H*  
President of the Senate

The within *is approved* this the *1st*  
day of *May*, 2013.

*Carl Roy Tomblin*  
Governor

PRESENTED TO THE GOVERNOR

MAY - 1 2013

Time 10:27 am