Committee Substitute for Senate Bill 443

By Senators Nelson, Clements, Trump, Plymale, and Hamilton

[Passed March 10, 2022; in effect 90 days from passage]
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for

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BY SENATORS NELSON, CLEMENTS, TRUMP, PLYMALE, AND HAMILTON

[Passed March 10, 2022; in effect 90 days from passage]
AN ACT to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including retired police officers or firefighters as electors of trustees for pension and 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.

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

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

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

(d) The presiding officer of any such board of trustees shall be the mayor of the
municipality and the secretary thereof shall be appointed by the board. It shall be the duty of such
secretary to keep a full and permanent record of all of the proceedings of the board and said
trustees may fix the secretary’s compensation for this work, which shall be paid out of the funds
of said policemen’s pension and relief fund or firemen’s pension and relief fund, as the case may
be.
(e) For all pension and relief funds closed after January 1, 2010, pursuant to §8-22-20(e) of this code and those closed after April 1, 2011, pursuant to §8-22-20(f) of this code, the boards shall continue to elect four trustees until there are no more beneficiaries to be paid from the fund. The electors of trustees for pension and relief funds closed after January 1, 2010, pursuant to §8-22-20(e) of this code and those closed after April 1, 2011, pursuant to §8-22-20(f) of this code are to include active police officers or firefighters as the case may be, as well as retired members of the pension fund. Trustees are elected in the same manner and for the same terms but may be members of the paid police or fire departments or retirees from the paid police or fire departments.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 23rd Day of March, 2022.

Governor