

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 358**

5 (By Senators Jenkins, Plymale, Chafin and McCabe)

6 \_\_\_\_\_  
7 [Originating in the Committee on Pensions;  
8 reported March 4, 2013.]  
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11  
12 A BILL to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of  
13 the Code of West Virginia, 1931, as amended; to amend said  
14 code by adding thereto a new section, designated §8-22-18c;  
15 and to amend and reenact §8-22A-4 and §8-22A-9 of said code,  
16 all relating to municipal policemen and firemen pensions;  
17 providing additional investigatory and legal powers and duties  
18 of the West Virginia Municipal Pensions Oversight Board;  
19 liability disclaimer for board acts or omissions concerning  
20 investigatory or legal actions; requiring certain notice of  
21 lawsuit to the West Virginia Municipal Pensions Oversight  
22 Board; limiting certain court orders under certain  
23 circumstances; clarifying refunds to members; clarifying  
24 circumstances under which a member may retire when the

1 member's service has been interrupted by duty with the armed  
2 forces of the United States; extending the cut-off date for  
3 the West Virginia Municipal Police Officers and Firefighters  
4 Retirement System plan to 2017; and continuing the  
5 municipality's disability retirement purchase requirement  
6 until 2017.

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

8 That §8-22-18a, §8-22-19a and §8-22-25 of the Code of West  
9 Virginia, 1931, as amended, be amended and reenacted; that said  
10 code be amended by adding thereto a new section, designated  
11 §8-22-18c; and that §8-22A-4 and §8-22A-9 of said code be amended  
12 and reenacted, all to read as follows:

13 **ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION**  
14 **AND RELIEF FUND; FIREMEN'S PENSION AND RELIEF**  
15 **FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS**  
16 **SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND**  
17 **SEWERAGE SYSTEM.**

18 **§8-22-18a. West Virginia Municipal Pensions Oversight Board**  
19 **created; powers and duties; management;**  
20 **composition; terms; quorum; expenses; reports.**

21 (a) (1) ~~There is established, on the effective date of the~~  
22 ~~enactment of this section during the fourth extraordinary session~~  
23 ~~of the Legislature in 2009,~~ The West Virginia Municipal Pensions  
24 Oversight Board, established in 2009, is hereby continued as a

1 public body corporate for the purpose of monitoring and improving  
2 the performance of municipal policemen's and firemen's pension and  
3 relief funds to assure prudent administration, investment and  
4 management of the funds. Management of the oversight board shall  
5 be vested solely in the members of the oversight board. Duties of  
6 the oversight board shall include, but not be limited to, assisting  
7 municipal boards of trustees in performing their duties, assuring  
8 the funds' compliance with applicable laws, providing for actuarial  
9 studies, distributing tax revenues to the funds, initiating or  
10 joining legal actions on behalf of active or retired pension fund  
11 members or municipal boards of trustees to protect interests of the  
12 members in the funds and taking other actions as may be reasonably  
13 necessary to provide for the security and fiscal integrity of the  
14 pension funds. The oversight board's authority to initiate legal  
15 action does not preempt the authority of municipalities, municipal  
16 policemen's and firemen's boards of trustees or pension fund active  
17 members, beneficiaries or others to initiate legal action to  
18 protect interests in the funds. ~~The oversight board is created as~~  
19 ~~a public body corporate.~~ Further, the oversight board may, in its  
20 discretion, investigate the actions or practices of municipal  
21 boards of trustees or of their administrators or employees that, in  
22 the oversight board's judgment, have the potential to threaten the  
23 security or fiscal integrity of the pension funds, and the boards  
24 of trustees, administrators and employees shall cooperate with the

1 oversight board in any investigation. Regardless of whether it has  
2 previously conducted an investigation, the oversight board may  
3 initiate or intervene in legal actions to challenge or prevent any  
4 action or practice which, in the oversight board's judgment, has  
5 the potential to threaten the security or fiscal integrity of the  
6 pension funds. Establishment of the oversight board does not  
7 relieve the municipal funds' boards of trustees from their  
8 fiduciary and other duties to the funds, nor does it create any  
9 liability for the funds on the part of the state. The failure of  
10 the oversight board to investigate or initiate legal actions  
11 regarding the actions or practices of municipal boards of trustees,  
12 their administrators or employees does not render the oversight  
13 board liable for the actions or practices. Members and employees  
14 of the oversight board are not liable personally, either jointly or  
15 severally, for debts or obligations of the municipal pension and  
16 relief funds. Except as otherwise provided herein, members and  
17 employees of the oversight board have a fiduciary duty toward the  
18 municipal pension and relief funds and are liable for malfeasance  
19 or gross negligence. Employees of the oversight board are  
20 ~~nonclassified~~ classified-exempt state employees.

21 (2) The oversight board shall consist of nine members. The  
22 Executive Director of the state's Investment Management Board and  
23 the Executive Director of the state's Consolidated Public  
24 Retirement Board, or their designees, shall serve as voting ex

1 officio members. The other seven members shall be citizens of the  
2 state who have been qualified electors of the state for a period of  
3 at least one year next preceding their appointment and shall be as  
4 follows: An active or retired member of a Municipal Policemen's  
5 Pension and Relief Fund chosen from a list of three persons  
6 submitted to the Governor by the state's largest professional  
7 municipal police officers organization, an active or retired member  
8 of a Municipal Firemen's Pension and Relief Fund chosen from a list  
9 of three persons submitted to the Governor by the state's largest  
10 professional firefighters organization, an attorney experienced in  
11 finance and investment matters related to pensions management, two  
12 persons experienced in pension funds management, one person who is  
13 a certified public accountant experienced in auditing and one  
14 person chosen from a list of three persons submitted to the  
15 Governor by the state's largest association of municipalities.

16 (3) On the effective date of the enactment of this section as  
17 amended during the fourth extraordinary session of the Legislature  
18 in 2009, the Governor shall forthwith appoint the members, with the  
19 advice and consent of the Senate. The Governor may remove any  
20 member from the oversight board for neglect of duty, incompetency  
21 or official misconduct.

22 (b) The oversight board has the power to:

23 (1) Enter into contracts, to sue and be sued, to implead and  
24 be impleaded;

1 (2) Promulgate and enforce bylaws and rules for the management  
2 and conduct of its affairs;

3 (3) Maintain accounts and invest those funds which the  
4 oversight board is charged with receiving and distributing;

5 (4) Make, amend and repeal bylaws, rules and procedures  
6 consistent with the provisions of this article and chapter  
7 thirty-three of this code;

8 (5) Notwithstanding any other provision of law, retain or  
9 employ, fix compensation, prescribe duties and pay expenses of  
10 legal, accounting, financial, investment, management and other  
11 staff, advisors or consultants as it considers necessary, including  
12 the hiring of legal counsel and actuary; and

13 (6) Do all things necessary and appropriate to implement and  
14 operate the board in performance of its duties. Expenses shall be  
15 paid from the moneys in the Municipal Pensions Security Fund  
16 created in section eighteen-b of this article or, prior to the  
17 transition provided in section eighteen-b of this article, the  
18 Municipal Pensions and Protection Fund: *Provided*, That the board  
19 may request special appropriation for special projects. The  
20 oversight board is exempt from provisions of article three, chapter  
21 five-a of this code for the purpose of contracting for actuarial  
22 services, including the services of a reviewing actuary.

23 (c) Except for ex officio members, the terms of oversight  
24 board members shall be staggered initially from January 1, 2010.

1 The Governor shall appoint initially one member for a term of one  
2 year, one member for a term of two years, two members for terms of  
3 three years, one member for a term of four years and two members  
4 for terms of five years. Subsequent appointments shall be for  
5 terms of five years. A member serving two full consecutive terms  
6 may not be reappointed for one year after completion of his or her  
7 second full term. Each member shall serve until that member's  
8 successor is appointed and qualified. Any member may be removed by  
9 the Governor in case of incompetency, neglect of duty, gross  
10 immorality or malfeasance in office. Any vacancy on the oversight  
11 board shall be filled by appointment by the Governor for the  
12 balance of the unexpired term.

13 (d) A majority of the full authorized membership of the  
14 oversight board constitutes a quorum. The board shall meet at  
15 least quarterly each year, but more often as duties require, at  
16 times and places that it determines. The oversight board shall  
17 elect a chairperson and a vice chairperson from their membership  
18 who shall serve for terms of two years and shall select annually a  
19 secretary/treasurer who may be either a member or employee of the  
20 board. The oversight board shall employ an executive director and  
21 other staff as needed and shall fix their duties and compensation.  
22 The compensation of the executive director shall be subject to  
23 approval of the Governor. Except for any special appropriation as  
24 provided in subsection (b) of this section, all personnel and other

1 expenses of the board shall be paid from revenue collected and  
2 allocated for municipal policemen's or municipal firemen's pension  
3 and relief funds pursuant to section fourteen-d, article three,  
4 chapter thirty-three of this code and distributed through the  
5 Municipal Pensions and Protection Fund or the Municipal Pensions  
6 Security Fund created in section eighteen-b of this article.  
7 Expenses during the initial year of the board's operation shall be  
8 from proceeds of the allocation for the municipal pensions and  
9 relief funds. Expenditures in years thereafter shall be by  
10 appropriation from the Municipal Pensions Security Fund. Money  
11 allocated for municipal policemen's and firemen's pension and  
12 relief funds to be distributed from the Municipal Pensions and  
13 Protection Fund or the Municipal Pensions Security Fund shall be  
14 first allocated to pay expenses of the oversight board and the  
15 remainder in the fund distributed among the various municipal  
16 pension and relief funds as provided in section fourteen-d, article  
17 three, chapter thirty-three of this code. The board is exempt from  
18 the provisions of sections seven and eleven, article three, chapter  
19 twelve of this code relating to compensation and expenses of  
20 members, including travel expenses.

21 (e) Members of the oversight board shall serve the board  
22 without compensation for their services: *Provided*, That no public  
23 employee member may suffer any loss of salary or wages on account  
24 of his or her service on the board. Each member of the board shall



1 be reimbursed, on approval of the board, for any necessary expenses  
2 actually incurred by the member in carrying out his or her duties.  
3 All reimbursement of expenses shall be paid out of the Municipal  
4 Pensions Security Fund.

5 (f) The board may contract with other state boards or state  
6 agencies to share offices, personnel and other administrative  
7 functions as authorized under this article: *Provided*, That no  
8 provision of this subsection may be construed to authorize the  
9 board to contract with other state boards or state agencies to  
10 otherwise perform the duties or exercise the responsibilities  
11 imposed on the board by this code.

12 (g) The board shall propose rules for legislative approval in  
13 accordance with the provisions of article three, chapter  
14 twenty-nine-a of this code as necessary to implement the provisions  
15 of this article, and may initially promulgate emergency rules  
16 pursuant to the provisions of section fifteen, article three,  
17 chapter twenty-nine-a of this code.

18 (h) The oversight board shall report annually to the  
19 Legislature's Joint Committee on Government and Finance and the  
20 Joint Committee on Pensions and Retirement concerning the status of  
21 municipal policemen's and firemen's pension and relief funds and  
22 shall present recommendations for strengthening and protecting the  
23 funds and the benefit interests of the funds' members.

24 (i) The oversight board shall cooperate with the West Virginia

1 Investment Management Board and the Board of Treasury Investments  
2 to educate members of the local pension boards of trustees on the  
3 services offered by the two state investment boards. No later than  
4 October 31, 2013, the board shall report to the Joint Committee on  
5 Government and Finance and the Joint Committee on Pensions and  
6 Retirement a detailed comparison of returns on long-term  
7 investments of moneys held by or allocated to municipal pension and  
8 relief funds managed by the West Virginia Investment Management  
9 Board and those managed by others than the Investment Management  
10 Board. The oversight board shall also report at that time on  
11 short-term investment returns by local pension boards using the  
12 West Virginia Board of Treasury Investments compared to short-term  
13 investment returns by those local boards of trustees not using the  
14 Board of Treasury Investments.

15 (j) The oversight board shall establish minimum requirements  
16 for training to be completed by each member of the board of  
17 trustees of a Municipal Policemen's or Firemen's Pension and Relief  
18 Fund. The requirements should include, but not be limited to,  
19 training in ethics, fiduciary duty and investment responsibilities.

20 **§8-22-18c. Notice of legal actions by or against municipal**  
21 **policemen's and firemen's pension funds.**

22 In any legal action in which a municipal policemen's or  
23 firemen's pension and relief fund, or the fund's board of trustees,  
24 employee or administrator, is named as a party, the plaintiff or

1 petitioner shall serve a copy of the complaint or petition upon the  
2 oversight board by certified mail, return receipt requested, within  
3 seven days of filing the legal action. Until proof of service is  
4 filed with the clerk of the court in which the action was filed,  
5 and for sixty days after the filing of the proof of service, no  
6 order may be entered by the court that directly or indirectly  
7 requires the expenditure or other disposition of pension funds or  
8 that determines the eligibility or entitlement of any member to any  
9 pension benefit payable from the pension and relief fund: *Provided,*  
10 That the court may enter such temporary or interim orders as may be  
11 needed to preserve and protect the assets of the fund. In any legal  
12 action involving a municipal policemen's or firemen's pension and  
13 relief fund the oversight board is entitled to intervene for the  
14 purpose of preserving the security or fiscal integrity of the  
15 pension fund.

16 **§8-22-19a. Refunds of member contributions.**

17 After January 1, 2010, any member of a paid police department  
18 or fire department who is removed or discharged or who before  
19 retirement on any retirement pension or disability pension severs  
20 his or her connection with said department, whether or not  
21 consecutive, shall, upon request, be refunded all pension and  
22 relief fund deductions made from ~~his~~ the member's salary or  
23 compensation, but without interest from the fund. The refund shall  
24 come from the accounts which originally received the member

1 deductions. For municipalities using the conservation method of  
2 funding, the member contributions are to be refunded from both the  
3 Municipal Pension and Relief Fund and the city benefit account, in  
4 the exact percentages that were initially deposited to the  
5 respective accounts. Any member who receives ~~such~~ a refund and  
6 ~~such member~~ subsequently wishes to reenter ~~the~~ his or her  
7 department ~~such police officer or fire fighter~~ shall not be allowed  
8 to reenter the department unless ~~such~~ the police officer or  
9 firefighter repays to the pension and relief fund all sums refunded  
10 to him or her in a lump sum at the date of reentry, or by monthly  
11 payroll deductions within thirty-six months from the date he or she  
12 reenters the department, with interest at the rate of eight percent  
13 per annum. In the event such refund is made prior to January 1,  
14 1981, and such member subsequently reenters the department such  
15 police officer or firefighter shall be allowed membership in such  
16 pension and relief fund; however, no credit may be allowed such  
17 member for any former service, unless such member repays to the  
18 pension and relief fund all sums refunded to ~~him~~ the member within  
19 one year from the date ~~he~~ the member reenters the department with  
20 interest at the rate of eight percent per annum: *Provided, That*  
21 ~~any member who, on or before June 3, 1955, reentered the paid~~  
22 ~~police or fire department shall be allowed credit for any former~~  
23 ~~service in the same department reentered if he, within one year~~  
24 ~~from said June 3, 1955, repaid all sums withdrawn or refunded to~~

1 ~~him with interest at the rate of six percent per annum, but for~~  
2 such member who receives such refund prior to January 1, 1980,  
3 interest may not be charged for more than three years. Any  
4 probationary member of a paid police or fire department who is not  
5 given an absolute appointment at the end of ~~his~~ the member's  
6 probationary period shall, upon request, be refunded all pension  
7 and relief fund deductions made from ~~his~~ the member's salary or  
8 compensation, but without interest. Any member contribution made  
9 in fiscal years beginning on July 1, 1981, and thereafter by any  
10 members of such fund, which is in excess of the percentages,  
11 required in section nineteen of this article of such member's  
12 salary or compensation as defined in section sixteen of this  
13 article, shall be refunded with eight percent interest to such  
14 member upon completion of the calculation of ~~his~~ the member's  
15 retirement benefit.

16 **§8-22-25. Retirement pensions.**

17 (a) Any member of a paid police or fire department who is  
18 entitled to a retirement pension hereunder, and who has been in the  
19 honorable service of such department for twenty years, may, upon  
20 written application to the board of trustees, be retired from all  
21 service in such department without medical examination or  
22 disability. On such retirement the board of trustees shall  
23 authorize the payment of annual retirement pension benefits  
24 commencing upon ~~his~~ the member's retirement or upon ~~his~~ the

1 member's attaining the age of fifty years, whichever is later,  
2 payable in twelve monthly installments for each year of the  
3 remainder of ~~his~~ the member's life, in an amount equal to sixty  
4 percent of such member's average annual salary or compensation  
5 received during the three twelve-consecutive-month periods of  
6 employment with such department in which such member received ~~his~~  
7 the member's highest salary or compensation while a member of the  
8 department, or an amount of \$500 per month, whichever is greater.

9 (b) Any member of any such department who is entitled to a  
10 retirement pension under the provisions of subsection (a) of this  
11 section and who has been in the honorable service of such  
12 department for more than twenty years at the time of ~~his~~ the  
13 member's retirement shall receive, in addition to the sixty percent  
14 authorized in said subsection (a):

15 (1) Two additional percent, to be added to the sixty percent  
16 for each of the first five additional years of service completed at  
17 the time of retirement in excess of twenty years of service up to  
18 a maximum of seventy percent; and

19 (2) One additional percent, to be added to such maximum of  
20 seventy percent, for each of the first five additional years of  
21 service completed at the time of retirement in excess of  
22 twenty-five years of service up to a maximum of seventy-five  
23 percent.

24 The total additional credit provided for in this subsection

1 may not exceed fifteen additional percent.

2 (c) Any member of any such department whose service has been  
3 interrupted by duty with the armed forces of the United States as  
4 provided in section twenty-seven of this article prior to July 1,  
5 1981, shall be eligible for retirement pension benefits immediately  
6 upon retirement, regardless of ~~his~~ the member's age, if ~~he~~ the  
7 member shall otherwise be eligible for such retirement pension  
8 benefits. In no event are provisions of this subsection to be  
9 interpreted to permit retirement before age fifty unless the  
10 interruption of the member's service by duty with the armed forces  
11 of the United States actually occurred before July 1, 1981. The  
12 amendment made to this subsection during the 2013 regular session  
13 of the Legislature is not for the purpose of changing the existing  
14 law regarding benefits provided to veterans for military service  
15 prior to July 1, 1981, but to further clarify that the provisions  
16 of this section and any previous enactments of this section do not  
17 make a member eligible for retirement before age fifty for a  
18 member's service with the armed forces of the United States after  
19 July 1, 1981.

20 Any member or previously retired member of any such department  
21 who has served in active duty with the armed forces of the United  
22 States as described in section twenty-seven of this article,  
23 whether prior to or subsequent to becoming a member of a paid  
24 police or fire department covered by the provisions of this

1 article, shall receive, in addition to the sixty percent authorized  
2 in subsection (a) of this section and the additional percent credit  
3 authorized in subsection (b) of this section, one additional  
4 percent for each year so served in active military duty, up to a  
5 maximum of four additional percent. In no event, however, may the  
6 total benefit granted to any member exceed seventy-five percent of  
7 the member's annual average salary calculated in accordance with  
8 subsection (a) of this section.

9 (d) Any member of a paid police ~~for~~ or fire department shall  
10 be retired at the age of sixty-five years in the manner provided in  
11 this subsection. When a member of the paid police or fire  
12 department reaches the age of sixty-five years, the said board of  
13 trustees shall notify the mayor of this fact, within thirty days of  
14 such member's sixty-fifth birthday. The mayor shall cause such  
15 sixty-five-year-old member of the paid police or fire department to  
16 retire within a period of not more than thirty additional days.  
17 Upon retirement under the provisions of this subsection, such  
18 member shall receive retirement pension benefits payable in twelve  
19 monthly installments for each year of the remainder of ~~his~~ the  
20 member's life in an amount equal to sixty percent of such member's  
21 average annual salary or compensation received during the three  
22 twelve-consecutive-month periods of employment with such department  
23 in which such member received ~~his~~ the member's highest salary or  
24 compensation while a member of the department, or an amount of \$500



1 per month, whichever is greater. If such member has been employed  
2 in said department for more than twenty years, the provisions of  
3 subsection (b) of this section shall apply.

4 (e) It shall be the duty of each member of a paid police or  
5 fire department at the time a fund is hereafter established to  
6 furnish the necessary proof of ~~his~~ the member's date of birth to  
7 the said board of trustees, as specified in section twenty-three of  
8 this article, within a reasonable length of time, said length of  
9 time to be determined by the said board of trustees. Then the  
10 board of trustees and the mayor shall proceed to act in the manner  
11 provided in subsection (d) of this section and shall cause all  
12 members of the paid police or fire department who are over the age  
13 of sixty-five years to retire in not less than sixty days from the  
14 date the fund is established. Upon retirement under the provisions  
15 of this subsection (e), such member, whether ~~he~~ the member has been  
16 employed in said department for twenty years or not, shall receive  
17 retirement pension benefits payable in twelve monthly installments  
18 for each year of the remainder of ~~his~~ the member's life in an  
19 amount equal to sixty percent of such member's average annual  
20 salary or compensation received during the three  
21 twelve-consecutive-month periods of employment with such department  
22 in which such member received ~~his~~ the member's highest salary or  
23 compensation while a member of the department, or an amount of \$500  
24 per month, whichever is greater. If such member has been employed

1 in said department for more than twenty years, the provisions of  
2 subsection (b) of this section shall apply.

3 **ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND**  
4 **FIREFIGHTERS RETIREMENT SYSTEM.**

5 **§8-22A-4. Creation and administration of West Virginia Municipal**  
6 **Police Officers and Firefighters Retirement System;**  
7 **specification of actuarial assumptions.**

8 There is hereby created the West Virginia Municipal Police  
9 Officers and Firefighters Retirement System. The purpose of this  
10 system is to provide for the orderly retirement of certain police  
11 officers and firefighters who become superannuated because of age  
12 or permanent disability and to provide certain survivor death  
13 benefits. Substantially all of the members of the retirement  
14 system shall be qualified public safety employees as defined in  
15 section two of this article. The retirement system shall come into  
16 effect January 1, 2010: *Provided*, That if the number of members in  
17 the system are fewer than one hundred on January 1, ~~2014~~ 2017, then  
18 all of the provisions of this article are void and of no force and  
19 effect, and memberships in the system will be merged into the  
20 Emergency Medical Services Retirement System created in article  
21 five-v, chapter sixteen of this code. If merger is required, the  
22 board shall take all necessary steps to see that the voluntary  
23 transfers of persons and assets authorized by this article do not  
24 affect the qualified status with the Internal Revenue Service of

1 either retirement plan. All business of the system shall be  
2 transacted in the name of the West Virginia Municipal Police  
3 Officers and Firefighters Retirement System. The board shall  
4 specify and adopt all actuarial assumptions for the plan at its  
5 first meeting of every calendar year or as soon thereafter as may  
6 be practicable, which assumptions shall become part of the plan.

7 **§8-22A-9. Retirement; commencement of benefits; insurance**  
8 **requirements during early period.**

9 (a) To ensure the fiscal integrity of the retirement system  
10 during the start-up phase, no member is entitled to retirement,  
11 disability or death benefits under this retirement system until  
12 January 1, ~~2013~~ 2017. Participating municipalities shall purchase  
13 insurance for their new plan members to provide coverage in an  
14 amount equal to disability coverage otherwise provided in sections  
15 seventeen and eighteen of this article and death benefits otherwise  
16 provided in sections twenty, twenty-two and twenty-three of this  
17 article for claims arising before January 1, 2013: Provided, That  
18 pursuant to the amendments made to this subsection during the 2013  
19 regular session of the Legislature, participating municipalities  
20 shall reinstate or purchase the insurance coverage for all plan  
21 members no later than July 1, 2013, and continue coverage through  
22 January 1, 2017.

23 (b) A member may retire and commence to receive retirement  
24 income payments on the first day of the calendar month following

1 written application for his or her voluntary petition for  
2 retirement coincident with or next following the later of the date  
3 the member ceases employment, or the date the member attains early  
4 or normal retirement age, in an amount as provided under this  
5 article: *Provided*, That retirement income payments under this plan  
6 are subject to the provisions of this article. On receipt of the  
7 petition, the board shall promptly provide the member with an  
8 explanation of his or her optional forms of retirement benefits and  
9 on receipt of properly executed forms from the member, the board  
10 shall process a member's request for and commence payments as soon  
11 as administratively feasible.