

ENROLLED

COMMITTEE SUBSTITUTE

For

H. B. 2888

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

[Passed April 13, 2013; in effect ninety days from passage.]

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.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

