

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 532

SENATORS AZINGER, HAMILTON, IHLENFELD, PLYMALE,

TARR, JEFFRIES, AND ROMANO, *original sponsors*

[Originating in the Committee on Pensions; reported

on January 23, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §8-22-28a, relating to the distribution of the assets remaining in a municipal
3 policemen's or firemen's pension and relief fund upon the death of the last remaining
4 retiree or beneficiary receiving benefits under the fund.

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.**

**§8-22-28a. Distribution of remaining assets in a closed municipal policemen's or firemen's
pension and relief fund.**

1 (a)(1) Upon the death of the last remaining retiree or beneficiary receiving benefits under
2 a policemen's pension and relief fund or a firemen's pension and relief fund, the assets remaining
3 in the fund, if any, shall be transferred to the municipality to be used solely by the municipality's
4 governing body to fund future retirement obligations for the municipality's police or fire
5 department members who are in the Municipal Police Officers and Firefighters Retirement System
6 established under §8-22A-1 et seq. of this code, subject to subdivision (2) of this subsection.

7 (2) If within five years prior to the death of the last remaining retiree or beneficiary the
8 Municipal Pensions Oversight Board provided any state aid to the fund pursuant to §33-3-
9 14d(b)(2) of this code, an amount equal to the aggregate amount of state aid provided to the fund
10 during that period shall be repaid from the assets of the fund to the Municipal Pensions Oversight
11 Board prior to the municipality's use of the remaining assets for the purposes described in
12 subdivision (1) of this subsection. If the amount to be repaid is greater than the total assets of
13 the fund, then the entire amount of the fund shall be repaid to the Municipal Pensions Oversight
14 Board.

- 15 (b) The Municipal Pensions Oversight Board shall deposit any repaid amounts into the
16 Municipal Pensions Security Fund for reallocation to municipal policemen's or firemen's pension
17 and relief funds with an actuarial deficiency during the next allocation cycle pursuant to §33-3-
18 14d(b)(2) of this code.

NOTE: This bill is recommended for passage during the 2020 Regular Session by the Joint Standing Committee on Pensions and Retirement.

The purpose of this bill is to provide for the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.