

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2547

**FISCAL
NOTE**

By Delegates Foggin, Lucas, Sheedy, Roop, Pritt,

Heckert, Clay, Hall, Horst, Brooks, and Willis

[Introduced February 18, 2025; referred to the

Committee on Finance]

1 A BILL to amend and reenact §8-22-26a of the Code of West Virginia, 1931, as amended, relating
2 to raising the cost-of-living increase from the first \$15,000 to the first \$45,000 for
3 supplemental pension benefits for municipal police, firefighters, employees of waterworks
4 systems, sewage systems, or combined waterworks/sewage systems.

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.**

**§8-22-26a. Supplemental pension benefits entitlement; benefit payable; application of
section; construction.**

1 (a) Except as otherwise provided in this section, all retirees, surviving beneficiaries,
2 disability pensioners or future retirees shall receive as a supplemental pension benefit an
3 annualized monthly amount commencing on July 1, based on a percentage increase equal to any
4 increase in the consumer price index as calculated by the United States Department of Labor,
5 Bureau of Statistics, for the preceding year: *Provided*, That the supplemental pension benefit
6 specified herein shall not exceed four percent per year: *Provided, however*, That no retiree shall be
7 eligible for the supplemental pension benefit specified herein until July 1, after the expiration of two
8 years from the date of retirement of said retiree: *Provided further*, That persons retiring prior to the
9 effective date of this section shall receive the supplemental benefit provided for in this section
10 immediately upon retirement and shall not be subject to the two year delay: *And provided further*,
11 That the supplemental benefit shall only be calculated on the allowable amount, which is the first
12 ~~\$15,000~~ \$45,000 of the total annual benefit paid. If at any time, after the supplemental benefit
13 becomes applicable, the total accumulated percentage increase in benefit on the allowable
14 amount becomes less than 75 percent of the total accumulated percentage increase in the

consumer price index over that same period of time, the four percent limitation shall be inapplicable until such time as the supplemental benefit paid equals 75 percent of the accumulated increase in the consumer price index. The supplemental pension benefit payable under the provisions of this section shall be paid in equal monthly installments.

(b) Upon commencement of the payment of death benefits pursuant to this section, there shall be calculated on the allowable amount, which is the first ~~15,000~~ \$45,000 of the annual allowable benefit under this section, the supplemental benefit provided for in subsection (a) of this section using the date that the retirement benefit provided for pursuant to §8-22-25, began as the base year. The amount of the death benefit provided pursuant to §8-22-26, *et seq.* shall be calculated without regard to any supplemental benefit previously paid under this section. After the initial calculation made pursuant to this subsection the beneficiary of the benefits provided for pursuant to §8-22-26, shall, after reindexation, thereafter receive the supplemental benefit provided for in subsection (a).

(c) Persons becoming disabled and eligible for a benefit under subsection (d), §8-22-24 of this article after January 1, 1991, shall receive as an annualized monthly supplemental benefit commencing on each July the first an amount based on a percentage increase equal to any increase in the consumer price index as calculated by the United States Department of Labor, Bureau of Statistics, for the preceding year: *Provided*, That the supplemental pension benefit shall not exceed four percent per year: *Provided, however*, That the benefit provided herein shall not commence until July 1, in the second year after what would have been the earliest service retirement date pursuant to section §8-22-25 for the person receiving the disability benefit: *Provided further*, That for persons becoming eligible for a benefit under subsection (d) of §8-22-24 who were not employed in the preceding year and file a copy of his or her income tax return by the fifteenth of April each year, evidencing said lack of employment, the benefit provided herein shall commence on July 1, in the second year after the date of disablement: *And provided further*, That the supplemental benefit shall only be calculated on the allowable amount, which is the first ~~15,000~~

41 \$45,000 of the total annual benefit paid. If at any time after the commencement of the payment of
42 the supplemental benefit provided under this subsection the total accumulated percentage
43 increase in benefit on the allowable amount becomes less than 75 percent of the total
44 accumulated increase in the consumer price index for that same period of time, the four percent
45 limitation shall be inapplicable until such time as the supplemental benefit paid equals 75 percent
46 of the accumulated increase in the consumer price index.

47 (d) Persons receiving a disability pension pursuant to §8-22-24 prior to January 1, 1991,
48 shall receive commencing each July first, as an annualized monthly supplemental benefit an
49 amount based on a percentage increase equal to any increase in the consumer price index as
50 calculated by the United States Department of Labor, Bureau of Statistics, for the preceding year:
51 *Provided*, That the supplemental benefit provided herein shall not exceed two percent per year:
52 *Provided, however*, That beginning July 1, two years after what would have been the earliest
53 service retirement date pursuant to §8-22-25 the supplemental benefit provided herein shall not
54 exceed four percent per year. The amount of supplemental benefit provided in this subsection
55 shall not exceed four percent beginning July 1, in any 12 month period for any pensioner who files
56 a certified copy of his or her tax return evidencing that said pensioner was unemployed in the
57 preceding year and received no earned income. The tax return shall be filed by the fifteenth of April
58 in any such year. If at any time after July 1, in the second year from what would have been the
59 earliest service retirement date pursuant to §8-22-25, the total accumulated percentage increase
60 in the supplemental benefit provided pursuant to this subsection on the allowable amount
61 becomes less than the 75 percent of the total accumulated percentage increase in the consumer
62 price index over that same period of time, the maximum percentage shall be inapplicable until
63 such time as the percentage increase in the supplemental benefit paid equals 75 percent of the
64 accumulated increase in the consumer price index. The supplemental benefit provided in this
65 subsection shall only be calculated on the allowable amount, which is the first ~~15,000~~ \$45,000 of
66 the annual benefit paid.

67 (e) Any supplemental benefits paid during a period of nonentitlement may be withheld out
68 of subsequent regular monthly pension benefits.

69 (f) During the fiscal year ending on June 30, 1996, and each year thereafter, each
70 municipal policemen's and firemen's pension fund shall be reviewed by a qualified actuary who
71 shall make a determination as to its actuarial soundness. Based upon the actuary's determination
72 of the actuarial soundness of the fund, the actuary shall certify to the board of trustees of the fund
73 the amount of increase in supplemental benefits, if any, which may be paid, and which will
74 preserve the minimum standards for actuarial soundness of the fund, as set forth in §8-22-20. The
75 board of trustees shall increase supplemental benefits by an amount which is equal to the
76 actuary's certified recommendation, up to the four percent limit contained in this section or the
77 increase in the consumer price index, whichever is less. If the actuary determines that it is
78 necessary to preserve the actuarial soundness of the fund, the board of trustees of the fund shall
79 increase the percentage of the members' contribution from seven percent to the amount certified
80 by the actuary not to exceed eight and one-half percent, but only for so long as is necessary to
81 achieve the minimum standards for actuarial soundness required by §8-22-20. In any year in
82 which there is no supplemental benefit paid, such year shall not be included in the reindexation
83 calculation provided pursuant to this section.

84 (g) This section shall be construed liberally to effectuate the purpose of establishing
85 minimum pension benefits under this article for members and surviving spouses.

NOTE: The purpose of this bill is to raise the cost-of-living increase from the first \$15,000 to the first \$45,000 for supplemental pension benefits for municipal police, firefighters, employees of waterworks systems, sewage systems, or combined waterworks/sewage systems.

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