

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### Senate Bill 1006

FISCAL  
NOTE

By Senator Morris

[Introduced February 19, 2026; referred  
to the Committee on Government Organization; and  
then to the Committee on Finance]

1 A BILL to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating  
 2 to fire and casualty insurance premium tax; and providing equal share of funds to the fire  
 3 companies and departments.

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

**ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.**

**§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds;  
 effective date.**

1 (a)(1) For the purpose of providing additional revenue for ~~municipal policemen's and~~  
 2 ~~firemen's pension and relief funds and the Teachers Retirement System Reserve Fund and for~~  
 3 ~~volunteer and part-volunteer~~ fire companies and departments, there is hereby levied and imposed  
 4 an additional premium tax equal to one percent of taxable premiums for fire insurance and  
 5 casualty insurance policies. For purposes of this section, casualty insurance does not include  
 6 insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit  
 7 transaction or insurance on a debtor to provide indemnity for payments becoming due on a  
 8 specific loan or other credit transaction while the debtor is disabled as defined in the policy.

9 (2) All moneys collected from this additional tax shall be received by the commissioner and  
 10 paid by him or her into a ~~special account in the State Treasury, designated the Municipal Pensions~~  
 11 ~~and Protection Fund: *Provided*, That on or after January 1, 2010, the commissioner shall pay 10~~  
 12 ~~percent of the amount collected to the Teachers Retirement System Reserve Fund created in §18-~~  
 13 ~~7A-18 of this code, 25 percent of the amount collected to the Fire Protection Fund created in §33-~~  
 14 ~~3-33 of this code for allocation by the Treasurer to volunteer and part-volunteer fire companies and~~  
 15 ~~departments and 65 percent of the amount collected to the Municipal Pensions and Protection~~  
 16 ~~Fund: *Provided, however*, That upon notification by the Municipal Pensions Oversight Board~~  
 17 ~~pursuant to the provisions of §8-22-18b this code, on or after January 1, 2010, or as soon~~  
 18 ~~thereafter as the Municipal Pensions Oversight Board is prepared to receive the funds, 65 percent~~  
 19 ~~of the amount collected by the commissioner shall be deposited in the Municipal Pensions~~

20 ~~Security Fund created in §8-22-18b of this code. The net proceeds of this tax after appropriation~~  
21 ~~thereof by the Legislature is distributed in accordance with the provisions of this section, except for~~  
22 ~~distribution from proceeds pursuant to §8-22-18a(d) of this code.~~

23 ~~(b)(1) Before August 1 of each year, the treasurer of each municipality in which a municipal~~  
24 ~~policemen's or firemen's pension and relief fund is established shall report to the State Treasurer~~  
25 ~~the average monthly number of members who worked at least 100 hours per month and the~~  
26 ~~average monthly number of retired members of municipal policemen's or firemen's pension and~~  
27 ~~relief fund or the Municipal Police Officers and Firefighters Retirement System during the~~  
28 ~~preceding fiscal year: *Provided*, That beginning in the year 2010 and continuing thereafter, the~~  
29 ~~report shall be made to the oversight board created in §8-22-18a of this code. These reports~~  
30 ~~received by the oversight board shall be provided annually to the State Treasurer by September 1.~~

31 ~~(2) Before September 1 of each calendar year, the State Treasurer, or the Municipal~~  
32 ~~Pensions Oversight Board, once in operation, shall allocate and authorize for distribution the~~  
33 ~~revenues in the Municipal Pensions and Protection Fund which were collected during the~~  
34 ~~preceding calendar year for the purposes set forth in this section. Before September 1 of each~~  
35 ~~calendar year and after the Municipal Pensions Oversight Board has notified the Treasurer and~~  
36 ~~commissioner pursuant to §8-22-18b of this code, the Municipal Pensions Oversight Board shall~~  
37 ~~allocate and authorize for distribution the revenues in the Municipal Pensions Security Fund which~~  
38 ~~were collected during the preceding calendar year for the purposes set forth in this section. In any~~  
39 ~~year the actuarial report required by §8-22-20 of this code indicates that no actuarial deficiency~~  
40 ~~exists in the municipal policemen's or firemen's pension and relief fund and that no pension~~  
41 ~~funding revenue bonds of the building commission of such municipality remain outstanding, no~~  
42 ~~revenues may be allocated from the Municipal Pensions and Protection Fund or the Municipal~~  
43 ~~Pensions Security Fund to that fund. The revenues from the Municipal Pensions and Protection~~  
44 ~~Fund shall then be allocated to all other pension and relief funds which have an actuarial~~  
45 ~~deficiency. Pension funding revenue bonds include bonds of a municipality's building commission~~

46 ~~the net proceeds of which were used to fund either or both of a municipality's policemen's or~~  
47 ~~firemen's pension and relief fund or bonds issued to refinance such bonds.~~

48 ~~(3) The Municipal Pensions Oversight Board shall annually review the investment~~  
49 ~~performance of each municipal policemen's or firemen's pension and relief fund. If the municipal~~  
50 ~~pension and relief fund's board fails for three consecutive years to comply with the investment~~  
51 ~~provisions established in §8-22-22a of this code, the oversight board may require the municipal~~  
52 ~~policemen's or firemen's pension and relief fund to invest with the Investment Management Board~~  
53 ~~to continue to receive its allocation of funds from the premium tax. If the municipal pension and~~  
54 ~~relief fund fails to move its investments to the Investment Management Fund within the 18-month~~  
55 ~~drawdown period, provided in §8-22-19(e) of this code, the revenues shall be reallocated to all~~  
56 ~~other municipal policemen's or firemen's pension and relief funds that have drawn down one~~  
57 ~~hundred percent of their allocations~~

58 ~~(4) (3) The moneys, and the interest earned thereon, in the Municipal Pensions and Fire~~  
59 ~~Protection Fund allocated to volunteer and part-volunteer fire companies and departments, shall~~  
60 ~~be allocated and distributed quarterly to the volunteer fire companies and departments. Before~~  
61 ~~each distribution date, the State Fire Marshal shall report to the State Treasurer the names and~~  
62 ~~addresses of all volunteer and part-volunteer fire companies and departments within the state~~  
63 ~~which meet the eligibility requirements established in §8-15-8A of this code.~~

64 ~~(c)(1) Each municipal pension and relief fund shall have allocated and authorized for~~  
65 ~~distribution a pro rata share of the revenues allocated to municipal policemen's and firemen's~~  
66 ~~pension and relief funds based on the corresponding municipality's average monthly number of~~  
67 ~~police officers and firefighters who worked at least 100 hours per month during the preceding fiscal~~  
68 ~~year. On and after July 1, 1997, from the growth in any moneys collected pursuant to the tax~~  
69 ~~imposed by this section and interest thereon there shall be allocated and authorized for distribution~~  
70 ~~to each municipal pension and relief fund, a pro rata share of the revenues allocated to municipal~~  
71 ~~policemen's and firemen's pension and relief funds based on the corresponding municipality's~~

~~72 average number of police officers and firefighters who worked at least 100 hours per month and  
73 average monthly number of retired police officers and firefighters. For the purposes of this  
74 subsection, the growth in moneys collected from the tax collected pursuant to this section is  
75 determined by subtracting the amount of the tax collected during the fiscal year ending June 30,  
76 1996, from the tax collected during the fiscal year for which the allocation is being made and  
77 interest thereon. All moneys received by municipal pension and relief funds under this section may  
78 be expended only for those purposes described in §8-22-16 through 28a inclusive, of this code.  
79 Notwithstanding the foregoing provision of this subdivision, if a municipality has outstanding  
80 pension funding revenue bonds and continues to pay the normal cost of its policemen's and  
81 firemen's pension and relief funds, then the allocable share of revenues to be allocated which  
82 would otherwise have been allocated to a municipal policemen's or firemen's pension and relief  
83 fund shall instead be allocated to the trustee of any outstanding pension funding revenue bonds.~~

~~84 (2) Each volunteer fire company or department shall receive an equal share of the  
85 revenues allocated for volunteer and part-volunteer fire companies and departments.~~

~~86 (3) In addition to the share allocated and distributed in accordance with subdivision (1) of  
87 this subsection, each municipal fire department composed of full-time paid members and  
88 volunteers and part-volunteer fire companies and departments shall receive a share equal to the  
89 share distributed to volunteer fire companies under subdivision (2) of this subsection reduced by  
90 an amount equal to the share multiplied by the ratio of the number of full-time paid fire department  
91 members who are also members of a municipal firemen's pension and relief fund or the Municipal  
92 Police Officers and Firefighters Retirement System to the total number of members of the fire  
93 department. If a municipality has outstanding pension funding revenue bonds and continues to  
94 pay the normal cost of its policemen's and firemen's pension and relief funds, then the share that  
95 would otherwise be payable to the municipality's firemen's pension and relief fund pursuant to this  
96 subsection shall be paid to the trustee of such outstanding pension funding revenue bonds.~~

~~97 (d) The allocation and distribution of revenues provided in this section are subject to the~~

98 provisions of ~~§8-22-20~~ of this code and ~~§8-15-8a~~ and ~~§8-15-8b~~ of this code.

99 (e) Based upon the findings of an audit by the Treasurer, the Legislature hereby finds and  
100 declares that during the period of 1982 through April 27, 2012, allocations from the Municipal  
101 Pensions and Protection Fund were miscalculated and errors were made in amounts transferred,  
102 resulting in overpayments and underpayments to the relief and pension funds and to the Teachers  
103 Retirement System, and that the relief and pension funds and the Teachers Retirement System  
104 were not at fault for any of the overpayments and underpayments. The Legislature hereby further  
105 finds and declares that any attempt by the Municipal Pension Oversight Board or other entity to  
106 recover any of the overpayments would be unjust and create economic hardship for the entities  
107 that received overpayments. No entity, including, without limitation, the Municipal Pension  
108 Oversight Board, may seek to recover from a relief or pension fund, the Teachers Retirement  
109 System or the state any overpayments received from the Municipal Pensions and Protection Fund  
110 and the overpayments are not subject to recovery, offset or litigation. Pursuant to the audit by the  
111 Treasurer, the amount of \$3,631,846.55 is determined owed to specific relief and pension funds  
112 through the period of April 27, 2012. The Treasurer is hereby authorized to may transfer the  
113 amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and  
114 Protection Fund, which is hereby reopened for the sole purpose of the transfer and remittances  
115 pursuant to this subsection, and to use the amount transferred to remit the amounts due to the  
116 pension and relief funds. The payment of \$3,631,846.55 to the pension and relief funds is  
117 complete satisfaction of any amounts due and no entity, including, without limitation, the Municipal  
118 Pension Oversight Board and any pension or relief fund, may seek to recover any further amounts

NOTE: The purpose of this bill relates to providing equal share of funds from the fire and casualty premium tax to the departments.

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