

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 676

BY SENATORS TAKUBO, CLEMENTS, JEFFRIES, AND

DEEDS

[Reported February 24, 2026, from the Committee on
Finance]

1 A BILL to amend and reenact §15-2A-2, §15-2A-3, and §15-2A-6e of the Code of West Virginia,
2 1931, as amended; and to amend the code by adding a new section, designated §15-2A-
3 24, relating to Capitol police officers; allowing certain Capitol police officers to participate
4 in the West Virginia State Police Retirement System; providing definitions; providing
5 clarification on treatment of West Virginia State Police Retirement System retirants
6 returning to employment as a Capitol police officer or State police officer; providing Capitol
7 police officers currently participating in the Public Employees Retirement System to elect
8 to begin participating in the West Virginia State Police Retirement System; detailing
9 process and timing of Capitol police officer's election to participate in the West Virginia
10 State Police Retirement System; and allowing qualified years of service of certain Capitol
11 police officers' assets to transfer to the West Virginia State Police Retirement System from
12 the Public Employees Retirement System.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-2. Definitions.

1 As used in this article, unless the context clearly requires a different meaning:
2 ~~(1)~~ "Accumulated contributions" means the sum of all amounts deducted from base salary,
3 together with four percent interest compounded annually.
4 ~~(2)~~ "Active military duty" means full-time active duty with the armed forces of the United
5 States, namely, the United States Air Force, Army, Coast Guard, Marines, Space Force, or Navy;
6 and service with the National Guard or reserve military forces of any of the armed forces when
7 the employee has been called to active full-time duty.
8 ~~(3)~~ "Actuarially equivalent" or "of equal actuarial value" means a benefit of equal value
9 computed upon the basis of the mortality table and interest rates as set and adopted by the
10 retirement board in accordance with the provisions of this article: *Provided*, That when used in
11 the context of compliance with the federal maximum benefit requirements of Section 415 of the

12 Internal Revenue Code, "actuarially equivalent" shall be computed using the mortality tables and
13 interest rates required to comply with those requirements.

14 ~~(4)~~ "Agency" means the West Virginia State Police.

15 ~~(5)~~ "Base salary" means compensation paid to an employee without regard to any
16 overtime pay.

17 ~~(6)~~ "Beneficiary" means a surviving spouse or other surviving beneficiary who is entitled
18 to, or will be entitled to, an annuity or other benefit payable by the fund.

19 ~~(7)~~ "Board" means the Consolidated Public Retirement Board created pursuant to §5-10D-
20 1 *et seq.* of this code.

21 ~~(8)~~ "Bona fide separation from service upon retirement" means that a retirant has
22 completely terminated any employment relationship with the agency for a period of at least 60
23 consecutive days from the effective date of retirement and without a prearranged agreement to
24 return to employment with the agency. For purposes of this definition, an employment relationship
25 includes employment in any capacity, whether on a permanent, full-time, part-time, substitute, per
26 diem, temporary or leased employee basis.

27 "Capitol police officer" means an individual employed in full-time employment as a Capitol
28 police officer with the Division of Protective Services and who is certified pursuant to the
29 provisions of §30-29-1 et seq. of this code.

30 "Credited service" means the sum of a member's years of service, active military duty,
31 disability service, service transferred from the Public Employees Retirement System and accrued
32 annual and sick leave service.

33 ~~(9)~~ "Dependent child" means any unmarried child or children born to or adopted by a
34 member or retirant of the fund who:

35 (A) Is under the age of 18;

36 (B) After reaching 18 years of age, continues as a full-time student in an accredited high
37 school, college, university or business or trade school until the child or children reaches the age
38 of 23 years; or

39 (C) Is financially dependent on the member or retirant by virtue of a permanent mental or
40 physical disability upon evidence satisfactory to the board.

41 ~~(10)~~ "Dependent parent" means the member's or retirant's parent or step-parent claimed
42 as a dependent by the member or retirant for federal income tax purposes at the time of the
43 member's or retirant's death.

44 "Division" means the Division of Protective Services created by §15-2D-1 et seq. of this
45 code.

46 ~~(14)~~ "Employee" means any person regularly employed full-time in the service of the
47 agency as a law-enforcement officer after March 12, 1994, and who is eligible to participate in the
48 fund, or any person regularly employed full-time in the service of the division as a member of the
49 Capitol Police and who is eligible to participate in the fund.

50 ~~(12)~~ "Employer error" means an omission, misrepresentation, or deliberate act in violation
51 of relevant provisions of the West Virginia Code, the West Virginia Code of State Regulations, or
52 the relevant provisions of both the West Virginia Code and the West Virginia Code of State
53 Regulations by the participating public employer that has resulted in an underpayment or
54 overpayment of contributions required.

55 ~~(13)~~ "Final average salary" means the average of the highest annual compensation
56 received for employment with the agency, including compensation paid for overtime service,
57 received by the employee during any five calendar years within the employee's last 10 years of
58 service: *Provided*, That annual compensation for determining benefits during any determination
59 period may not exceed the maximum compensation allowed as adjusted for cost of living in
60 accordance with §5-10D-7 of this code and § 401(a)(17) of the Internal Revenue Code.

61 "Full-time" means employment of an employee in a position which normally requires 12
62 months of service per calendar year service and at least 1,040 hours of service per calendar year.

63 ~~(14)~~ "Fund", "plan", "system", or "retirement system" means the West Virginia State Police
64 Retirement Fund created and established by this article.

65 ~~(15)~~ "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

66 ~~(16)~~ "Law-enforcement officer" means an individual employed or otherwise engaged in
67 either a public or private position which involves the rendition of services relating to enforcement
68 of federal, state or local laws for the protection of public or private safety, including, but not limited
69 to, positions as deputy sheriffs, police officers, marshals, bailiffs, court security officers or any
70 other law-enforcement position which requires certification, but excluding positions held by
71 elected sheriffs or appointed chiefs of police whose duties are purely administrative in nature.

72 ~~(17)~~ "Medical examination" means an in-person or virtual examination of a member's
73 physical or mental health, or both, by a physician or physicians selected or approved by the board;
74 or, at the discretion of the board, a medical record review of the member's physical or mental
75 health, or both, by a physician selected or approved by the board.

76 ~~(18)~~ "Member" means any person who has contributions standing to his or her credit in
77 the fund and who has not yet entered into retirement status.

78 ~~(19)~~ "Month of service" means each month for which an employee is paid or entitled to
79 payment for at least one hour of service for which contributions were remitted to the fund. These
80 months shall be credited to the member for the calendar year in which the duties are performed.

81 ~~(20)~~ "Partially disabled" means an employee's inability, on a probable permanent basis,
82 to perform the essential duties of a law-enforcement officer by reason of any medically
83 determinable physical or mental impairment which has lasted or can be expected to last for a
84 continuous period of not less than 12 months, but which impairment does not preclude the
85 employee from engaging in other types of nonlaw-enforcement employment.

86 ~~(21)~~ "Physical or mental impairment" means an impairment that results from an
87 anatomical, physiological, or psychological abnormality that is demonstrated by medically
88 accepted clinical and laboratory diagnostic techniques.

89 ~~(22)~~ "Plan year" means the 12-month period commencing on July 1 of any designated
90 year and ending the following June 30.

91 ~~(23)~~ "Qualified public safety employee" means any employee of a participating state or
92 political subdivision who provides police protection, fire-fighting services or emergency medical
93 services for any area within the jurisdiction of the state or political subdivision, or such other
94 meaning given to the term by § 72(t)(10)(B) of the Internal Revenue Code or by Treasury
95 Regulation §1.401(a)-1(b)(2)(v) as they may be amended from time to time.

96 ~~(24)~~ "Required beginning date" means April 1 of the calendar year following the later of:
97 (1) The calendar year in which the member attains the applicable age as set forth in this
98 paragraph; or

99 (2) The calendar year in which he or she retires or otherwise separates from covered
100 employment.

101 The applicable age is:

102 (A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

103 (B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains
104 age 73 before January 1, 2033; or

105 (C) Seventy-five, if the individual attains age 74 after December 31, 2032; provided that
106 the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the
107 Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended
108 from time to time.

109 ~~(25)~~ "Retirant" or "retiree" means any member who commences an annuity payable by
110 the retirement system.

111 ~~(26)~~ "Salary" means the compensation of an employee, excluding any overtime
112 payments.

113 ~~(27)~~ "Surviving spouse" means the person to whom the member or retirant was legally
114 married at the time of the member's or retirant's death and who survived the member or retirant.

115 ~~(28)~~ "Totally disabled" means an employee's probable permanent inability to engage in
116 substantial gainful activity by reason of any medically determined physical or mental impairment
117 that can be expected to result in death or that has lasted or can be expected to last for a
118 continuous period of not less than 12 months. For purposes of this subdivision, an employee is
119 totally disabled only if his or her physical or mental impairments are so severe that he or she is
120 not only unable to perform his or her previous work as an employee of the agency, but also cannot,
121 considering his or her age, education and work experience, engage in any other kind of substantial
122 gainful employment which exists in the state regardless of whether: (A) The work exists in the
123 immediate area in which the employee lives; (B) a specific job vacancy exists; or (C) the employee
124 would be hired if he or she applied for work.

125 ~~(29)~~ "Years of service" means the months of service acquired by a member while in active
126 employment with the agency divided by 12. Years of service shall be calculated in years and
127 fraction of a year from the date of active employment of the member with the agency through the
128 date of termination of employment or retirement from the agency. If a member returns to active
129 employment with the agency following a previous termination of employment with the agency and
130 the member has not received a refund of contributions plus interest for the previous employment
131 under §15-2A-8 of this code, service shall be calculated separately for each period of continuous
132 employment and years of service shall be the total service for all periods of employment. Years
133 of service shall exclude any periods of employment with the agency for which a refund of
134 contributions plus interest has been paid to the member unless the employee repays the previous
135 withdrawal, as provided in §15-2A-8 of this code, to reinstate the years of service.

§15-2A-3. Continuation and administration of West Virginia State Police Retirement System; leased employees; federal qualification requirements.

1 (a) The West Virginia State Police Retirement System is continued. It is contemplated that
2 substantially all of the members of the retirement system shall be qualified public safety
3 employees as defined in ~~section two of this article~~ §15-2A-2. Any West Virginia state trooper or
4 Capitol Police officer employed by the agency on or after the effective date of this article shall be
5 a member of this retirement system and may not qualify for membership in any other retirement
6 system administered by the board so long as he or she remains employed by the State Police or
7 Capitol Police: *Provided*, That any state trooper or Capitol Police officer who has concurrent
8 employment in an additional job or jobs which would require the state trooper to be a member of
9 the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers
10 and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement
11 System shall abide by the statutory provisions of said retirement system related to concurrent
12 employment and participate in only one retirement system administered by the board.

13 (b) Any individual who is a leased employee shall not be eligible to participate in the
14 system. For purposes of this system, a "leased employee" means any individual who performs
15 services as an independent contractor or pursuant to an agreement with an employee leasing
16 organization or other similar organization. If a question arises regarding the status of an individual
17 as a leased employee, the board has final power to decide the question.

18 (c) The board created pursuant to ~~article ten-d, chapter five~~ §5-10D-1 et seq. of this code
19 shall administer the retirement system. The board may sue and be sued, contract and be
20 contracted with, and conduct all the business of the system in the name of the West Virginia State
21 Police Retirement System.

22 (d) This fund is intended to meet the federal qualification requirements of Section 401(a)
23 and related sections of the Internal Revenue Code as applicable to governmental plans.
24 Notwithstanding any other provision of state law, the board shall administer the retirement system

25 to fulfill this intent for the exclusive benefit of the employees, members, retirants, and their
26 beneficiaries. Any provision of this article referencing or relating to these federal qualification
27 requirements shall be effective as of the date required by federal law. The board may promulgate
28 rules and amend or repeal conflicting rules in accordance with the authority granted to the board
29 pursuant to section one, article ten-d, chapter five of this code to assure compliance with this
30 section.

§15-2A-6e. ~~State police reemployment~~ Reemployment after retirement.

1 (a) Notwithstanding any provision of this article to the contrary, a retirant who becomes
2 reemployed by the agency or division after the effective date of his or her retirement must have a
3 bona fide separation from service upon retirement to be eligible for an annuity under the retirement
4 system. If a retirant fails to have a bona fide separation from service upon retirement or if such
5 retirant or the agency fails to comply with subsection (b) of this section in a manner satisfactory
6 to the board, then the member's retirement shall be voided and the member shall repay to the
7 system the gross amount of all annuity payments received related to such voided retirement;
8 provided further that the board may take any actions necessary or appropriate in accordance with
9 the provisions of §15-2A-23 of this code to recover such annuity payments so that an in-service
10 distribution is not deemed to have been made.

11 (b) Prior to any retirant subsequently becoming employed by the agency or division,
12 whether on a permanent, full-time, part-time, substitute, per diem, temporary or leased employee
13 basis, the agency or division shall notify the board and the retirant, in writing, if and when any
14 such potential employment will negatively impact the retirant's retired status or benefits. Upon the
15 retirant's acceptance of such employment, the agency or division shall notify the board, in writing,
16 of the retirant's subsequent employment. The retirement board may also require of retirants and
17 the agency or division such reports, forms and verifications as it deems necessary to ensure that
18 a bona fide separation from service has occurred.

19 (c) Subject to the provisions of subsection (a) of this section, the annuity of any retirant
20 retired under the provisions of this article who resumes service in full-time employment with the
21 agency or division shall be suspended while the retirant continues full-time employment. If there
22 has been a bona fide separation from service upon retirement, the monthly annuity payment for
23 the month in which the service resumes shall be prorated to the date of commencement of service,
24 and the retirant shall again become a contributing member during resumption of service. At the
25 conclusion of the resumed service, the retirant shall have his annuity recalculated to take into
26 account the entirety of service while employed with the agency or division.

§15-2A-24. Capitol Police officers as members of the system; transfer of Capital Police officers' assets from Public Employees Retirement System.

1 (a) Notwithstanding any other provision of this article to the contrary, any Capitol Police
2 officer participating in the Public Employees Retirement System who shall elect in writing on a
3 form provided by the board whether or not to transfer into this plan on or before August 31, 2026.
4 Any Capitol Police officer who has elected to transfer into this plan shall be given credited service
5 at the time of transfer for all credited service then standing to the officer's service credit in the
6 Public Employees Retirement System regardless of whether the credited service, as defined in
7 §15-2A-2 of this code, was earned as a Capitol Police officer: *Provided*, That to timely elect to
8 participate in the West Virginia State Police Retirement System, a Capitol Police officer must
9 agree to pay the difference between the amount of employee contribution made to the Public
10 Employees Retirement System and the amount of employee contribution which would have been
11 paid to the West Virginia State Police Retirement System for all years being transferred. All
12 credited service standing to the transferring officer's credit in the Public Employees Retirement
13 System at the time of transfer into this plan shall be transferred into the plan created by this article,
14 and the transferring officer shall be given the same credit for the purposes of this article for all
15 service transferred from the Public Employees Retirement System as that transferring officer
16 would have received from the Public Employees Retirement System as if the transfer had not

17 occurred but with accrued benefit multipliers subject to the provisions of §15-2A-6a of this code.
18 In connection with each transferring officer receiving credit for prior employment as provided in
19 this subsection, a transfer from the Public Employees Retirement System to this plan shall be
20 made pursuant to the procedures described in this article: *Provided*, That any member of this plan
21 who has elected to transfer from the Public Employees Retirement System into this plan pursuant
22 to this section may not, after having transferred into and becoming an active member of this plan,
23 reinstate to his or her credit in this plan any service credit relating to periods in which the member
24 was not in covered employment as a Capitol Police officer and which service was withdrawn from
25 the Public Employees Retirement System prior to his or her elective transfer into this plan.

26 (b) As a condition of employment, any full-time Capitol Police officer who is hired on or
27 after July 1, 2026, or who elects to become a member of the plan pursuant to this section does
28 not qualify for active membership in any other retirement system administered by the board, so
29 long as he or she remains employed in covered employment: *Provided*, That any officer who has
30 concurrent employment in an additional job or jobs which would require the officer to be an active
31 member of the West Virginia Deputy Sheriffs Retirement System, the West Virginia Municipal
32 Police Officers and Firefighters Retirement System, or the West Virginia Natural Resources Police
33 Officer Retirement System shall actively participate in only one retirement system administered
34 by the board, and the retirement system applicable to the concurrent employment for which the
35 employee has the earliest date of hire shall prevail. The officer shall continue to receive his or her
36 accrued benefit of other retirement systems administered by the board, except in the case of
37 Public Employees Retirement System, when credit and assets are transferred to the West Virginia
38 State Police Retirement System.

39 (c) Any Capitol Police officer who was employed prior to July 1, 2026, but was not
40 employed on July 1, 2026, shall become a member upon rehire as a Capitol Police officer. For
41 purposes of this section, the member's years of service and credited service prior to July 1, 2026,
42 may be counted so long as the officer has not received the return of his or her accumulated

43 contributions in the Public Employees Retirement System pursuant to §5-10-30 of this code. The
44 member may request in writing to have his or her accumulated contributions and employer
45 contributions from covered employment in the Public Employees Retirement System transferred
46 to the plan. If the conditions of this subsection are met, all years of the officer's covered
47 employment shall be counted as years of service for the purposes of this article.

48 (d) Once made, the election made under this section is irrevocable. All officers electing to
49 become members as described in this section, shall be members as a condition of employment
50 and shall make the contributions required by this article.

51 (e) The Consolidated Public Retirement Board shall transfer assets of Capitol Police
52 officers who wish to participate in the West Virginia State Police Retirement System from the
53 Public Employees Retirement System Trust Fund into the West Virginia State Police Trust Fund
54 no later than April 30, 2027.

55 (f) The amount of assets to be transferred for each transferring Capitol Police officer shall
56 be computed using the July 1, 2026, actuarial valuation of the Public Employees Retirement
57 System, and updated with 7.25 percent annual interest to the date of the actual asset transfer.
58 The market value of the assets of the transferring officer in the Public Employees Retirement
59 System shall be determined as of the end of the month preceding the actual transfer. To determine
60 the computation of the asset share to be transferred, the board shall:

61 (1) Compute the market value of the Public Employees Retirement System assets as of
62 July 1, 2026, actuarial valuation date under the actuarial valuation approved by the board;

63 (2) Compute the actuarial accrued liabilities for all Public Employees Retirement System
64 retirees, beneficiaries, disabled retirees, and terminated inactive members as of July 1, 2026,
65 actuarial valuation date;

66 (3) Compute the market value of active member assets in the Public Employees
67 Retirement System as of July 1, 2026, by reducing the assets value under subdivision (1) of this
68 subsection by the inactive liabilities under subdivision (2) of this subsection;

69 (4) Compute the actuarial accrued liability for all active Public Employees Retirement
70 System members as of July 1, 2025, actuarial valuation date approved by the board;

71 (5) Compute the funded percentage of the active members' actuarial accrued liabilities
72 under the Public Employees Retirement System as of July 1, 2026, by dividing the active
73 members' market value of assets under subdivision (3) of this subsection by the active members'
74 actuarial accrued liabilities under subdivision (4) of this subsection;

75 (6) Compute the actuarial accrued liabilities under the Public Employees Retirement
76 System as of July 1, 2026, for active Capitol Police officers transferring to the West Virginia State
77 Police Retirement System;

78 (7) Determine the assets to be transferred from the Public Employees Retirement System
79 to the West Virginia State Police Retirement System by multiplying the active members' funded
80 percentage determined under subdivision (5) of this subsection by the transferring active
81 members' actuarial accrued liabilities under the Public Employees Retirement System under
82 subdivision (6) of this subsection and adjusting the asset transfer amount by interest at 7.25
83 percent for the period from the calculation date of July 1, 2026, through the first day of the month
84 in which the asset transfer is to be completed.

85 (g) Once a Capitol Police officer has elected to transfer from the Public Employees
86 Retirement System, transfer of that amount as calculated in accordance with the provisions of
87 subsection (f) of this section by the Public Employees Retirement System shall operate as a
88 complete bar to any further liability to the Public Employees Retirement System and constitutes
89 an agreement whereby the transferring officer forever indemnifies and holds harmless the Public
90 Employees Retirement System from providing him or her any form of retirement benefit
91 whatsoever until that officer obtains other employment which would make him or her eligible to
92 reenter the Public Employees Retirement System with no credit whatsoever for the amounts
93 transferred to the West Virginia State Police Retirement System.

94 (h) A Capitol Police officer who timely elected to transfer into this plan shall request in
95 writing that the Consolidated Public Retirement Board compute a quote of the amount owed for
96 the member's transferred officer to be eligible for the three percent multiplier. The quote shall be
97 provided to the member within 60 days of the board's receipt of the written request and the
98 employer's verification of the officer. To determine the computation of the quote provided, the
99 board shall:

100 (1) Compute the contributions made by each Capitol Police officer for eligible years under
101 Public Employees Retirement System.

102 (2) Compute the contributions that would have been required under West Virginia State
103 Police Retirement System for eligible years.

104 (3) Compute the difference with interest at 7.25 percent that each Capitol Police officer
105 would have been required to pay had he or she originally participated in West Virginia State Police
106 Retirement System for eligible years.

107 (4) Full reinstatement amount must be repaid no later than December 31, 2031, or prior
108 to the member's effective retirement date, whichever occurs first.

109 (i) Commencement of retirement for transferring Capitol Police officers may occur on or
110 after May 1, 2027.