

H. B. 2994

(By Delegates Varner, Ferns, Ferro, Storch,
White, Swartzmiller, Pethel, Givens,
Ennis and Jones)

[Introduced February 2, 2011; referred to the
Committee on Pensions and Retirement then Finance.]

A BILL to amend and reenact §8-22-2 of the Code of West Virginia,
1931, as amended, relating to making municipal self-funded
pensions tax exempt.

Be it enacted by the Legislature of West Virginia:

That §8-22-2 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

**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.**

*PART II. GENERAL RETIREMENT SYSTEMS FOR CLASS I, II AND III
CITIES.*

**§8-22-2. Class I, II and III cities empowered and authorized to
establish and maintain "employees retirement and
benefit fund" or to maintain such fund heretofore
established.**

Every Class I, II and III city which is not a participating
public employer in the said West Virginia Public Employees

1 Retirement System is hereby empowered and authorized to and may
2 establish and maintain an "Employees Retirement and Benefit Fund"
3 in accordance with the provisions of this section two and sections
4 three through fourteen of this article. Any Class I, II and III
5 city which has heretofore established such a fund in accordance
6 with the Acts of the Legislature referred to in section fifteen of
7 this article may continue to maintain said fund in accordance with
8 the provisions of this section two and sections three through
9 fourteen of this article, or said acts, as specified in said
10 section fifteen, and such municipal employee retirement funds
11 heretofore established which are not participating public employers
12 in the state retirement system shall share the same tax exempt
13 status as their police and firemen's pension systems so that
14 retirement pensions received by such municipal employees are
15 uniformly exempt from taxation.

NOTE: The purpose of this bill is to make municipal self-funded pensions tax exempt.

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