

Senate Bill No. 436

(By Senators Yost, Klempa, Unger and Plymale)

[Introduced February 4, 2011; referred to the Committee on Pensions; and then to the Committee on Finance.]

A BILL to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing the personal income tax adjustment to the gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

Be it enacted by the Legislature of West Virginia:

That §11-21-12d of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

PART I. RESIDENTS.

§11-21-12d. Additional modification reducing federal adjusted gross income.

1 In addition to amounts authorized to be subtracted from
2 federal adjusted gross income pursuant to subsection (c),

3 section twelve of this article, any person who retires under
4 an employer-provided defined benefit pension plan that
5 terminates prior to or after the retirement of that person and
6 the pension plan is covered by a guarantor whose maximum
7 benefit guarantee is less than the maximum benefit to which
8 the retiree was entitled had the plan not terminated may
9 subtract annually from his or her federal adjusted income a
10 sum equal to the difference in the amount of the maximum
11 annual pension benefit the person would have received for
12 such tax year had the plan not terminated and the maximum
13 annual pension benefit actually received from the guarantor
14 under a benefit guarantee plan: *Provided*, That if the Tax
15 Commissioner determines that this adjustment reduces the
16 revenues of the state by \$2 million or more in any one year,
17 then the Tax Commissioner shall reduce the percentage of
18 the reduction to a level at which the commissioner believes
19 will reduce the cost of the adjustment to \$2 million for the
20 next year. This tax adjustment ~~shall be~~ is effective for
21 taxable years beginning on and after January 1, 2008:
22 *Provided, however*, That for the taxable year 2007, the tax
23 adjustment shall be effective and shall apply retroactively:
24 *Provided further*, That the adjustment ~~shall terminate~~

25 terminates for the tax years on ~~or~~ and after January 1, ~~2012~~
26 2015. This modification is available regardless of the type of
27 return form filed.

(NOTE: The purpose of this bill is to continue providing a personal income tax adjustment to the gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.)

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