

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 319

BY SENATORS RUCKER, AZINGER, BOLEY, CLEMENTS,
CLINE, HAMILTON, MAYNARD, PALUMBO, PITSENBARGER,
ROBERTS, STOLLINGS, SYPOLT, TARR, UNGER, BALDWIN,
JEFFRIES, WOELFEL, ROMANO, FACEMIRE, AND PLYMALE

[Introduced January 13, 2020; referred
to the Committee on Pensions; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-5V-36, relating to providing that moneys in the West Virginia Emergency
 3 Medical Services Retirement Fund are exempt from any state or municipal tax, are not
 4 subject to execution, garnishment, attachment, or any other process whatsoever with the
 5 exception that the benefits or contributions under the system shall be subject to “qualified
 6 domestic relations orders”, and are generally unassignable.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.

§16-5V-36. Exemption from taxation, garnishment and other process; exception for certain qualified domestic relations orders.

1 The moneys in the fund and the right of a member, spouse, or other beneficiary to benefits
 2 under this article, to the return of contributions, or to any retirement, death, or disability payments
 3 under the provisions of this article, are exempt from any state or municipal tax, are not subject to
 4 execution, garnishment, attachment, or any other process whatsoever with the exception that the
 5 benefits or contributions under the system shall be subject to “qualified domestic relations orders”
 6 as that term is defined in Section 414(p) of the Internal Revenue Code with respect to
 7 governmental plans, and are unassignable except as is provided in this article.

NOTE: The purpose of this bill is to provide that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from any state or municipal tax, are not subject to execution, garnishment, attachment, or any other process whatsoever with the exception that the benefits or contributions under the system shall be subject to “qualified domestic relations orders,” and are generally unassignable. The bill puts EMS members on equal retirement fund footing as firefighters, deputy sheriffs, and other first-responder personnel.

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