

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4384

FISCAL  
NOTE

BY DELEGATES HAYNES, KEATON, PRITT, COOPER,  
HANNA, HONAKER, BOOTH, G. WARD, AND MANDT

[Introduced January 25, 2022; Referred 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 §11-21-12n, relating to exempting a portion of retirement income from  
 3 personal income taxes; establishing a nonadditive exemption from federal adjusted gross  
 4 income; and providing a joint, total exemption for married couples filing jointly.

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

**ARTICLE 21. PERSONAL INCOME TAX.**

**§11-21-12n. Exempting retirement income from federal adjusted gross income.**

1 (a) For any resident individual who has retired from full-time employment, the individual's  
 2 federal adjusted gross income shall be reduced by the amount of income, up to a limit of \$50,000,  
 3 in the form of payments, annuities, retirement allowances, returns of contributions, and any other  
 4 benefit received by the individual in that tax year from any retirement plan, retirement investment  
 5 account, retirement annuity, or other retirement income or deferred compensation plan pursuant  
 6 to Internal Revenue Code §401(k) or §457(b): *Provided*, That this exemption shall not be added  
 7 to, but instead shall include, any other exemption provided under this article of, or for, any form  
 8 of retirement payment or benefit.

9 (b) The exemption provided by this section is to be applied per individual and, if a married  
 10 couple files a joint return, one exemption of up to \$50,000 shall be applied for each retired spouse  
 11 with a total exemption of up to \$100,000 allowed if both spouses are retired.

NOTE: The purpose of this bill is to exempt the first \$50,000 of retirement income from personal income tax.

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