

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **ENROLLED**

## **House Bill 4433**

BY DELEGATES STORCH, GEARHART, EVANS, ANDERSON,

BATES, AND PETHTEL

(BY REQUEST OF THE MUNICIPAL PENSIONS OVERSIGHT BOARD)

[Passed March 11, 2022; in effect ninety days from passage.]



1 AN ACT to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto  
2 a new section, designated §8-22-25b, relating to the protection of benefits and assets of  
3 members of a policemen's pension and relief fund or a firemen's pension and relief fund  
4 from execution, assignment or other process and certain taxes; and providing exceptions.

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

**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.**

**§8-22-25b. Right to benefits not subject to execution, etc.; assignments prohibited;  
deductions for group insurance; setoffs for fraud; exception for certain domestic  
relations orders; assets exempt from taxes.**

1 The right of a person to any benefit provided in this article shall not be subject to execution,  
2 attachment, garnishment, the operation of bankruptcy or insolvency laws, or other process  
3 whatsoever, nor shall any assignment thereof be enforceable in any court except that the benefits  
4 or contributions under municipal policemen's pension and relief funds and firemen's pension and  
5 relief funds shall be subject to "qualified domestic relations orders" as that term is defined in  
6 Section 414(p) of the Internal Revenue Code as applicable to governmental plans: *Provided*, That  
7 should a member be covered by a group insurance or prepayment plan participated in by a  
8 participating municipality, and should he or she be permitted to, and elect to, continue such  
9 coverage as a retirant, he or she may authorize the board of trustees to have deducted from his  
10 or her retirement pension the payments required of him or her to continue coverage under such  
11 group insurance or prepayment plan: *Provided, however*, That a participating municipality shall  
12 have the right of setoff for any claim arising from embezzlement by, or fraud of, a member, retirant

13 or beneficiary. The assets of the retirement system are exempt from state, county and municipal  
14 taxes.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2022.

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*Governor*