

SB 541

FILED

2008 MAR 28 AM 10:17

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 541

(BY SENATORS BOWMAN AND KESSLER)

[Passed March 6, 2008; in effect from passage.]

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Senate Bill No. 541

(BY SENATORS BOWMAN AND KESSLER)

[Passed March 6, 2008; in effect from passage.]

AN ACT to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to retroactively applying and extending 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. GENERAL.

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

1 In addition to amounts authorized to be subtracted
2 from federal adjusted gross income pursuant to
3 subsection (c), section twelve of this article, any person
4 who retires under an employer-provided defined benefit
5 pension plan that terminates prior to or after the
6 retirement of that person and the pension plan is
7 covered by a guarantor whose maximum benefit
8 guarantee is less than the maximum benefit to which
9 the retiree was entitled had the plan not terminated may
10 subtract annually from his or her federal adjusted
11 income a sum equal to the difference in the amount of
12 the maximum annual pension benefit the person would
13 have received for such tax year had the plan not
14 terminated and the maximum annual pension benefit
15 actually received from the guarantor under a benefit
16 guarantee plan: *Provided*, That if the Tax Commissioner
17 determines that this adjustment reduces the revenues of
18 the state by two million dollars or more in any one year,
19 then the Tax Commissioner shall reduce the percentage
20 of the reduction to a level at which the commissioner
21 believes will reduce the cost of the adjustment to two
22 million dollars for the next year. This tax adjustment
23 shall be effective for taxable years beginning on and
24 after the first day of January, two thousand eight:
25 *Provided, however*, That for the taxable year two
26 thousand seven, the tax adjustment shall be effective
27 and shall apply retroactively: *Provided further*, That the
28 adjustment shall terminate for the tax years on or after
29 the first day of January, two thousand twelve. This
30 modification is available regardless of the type of return
31 form filed.

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

Candy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Holmes
.....
Clerk of the Senate

Suey M. Bus
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *27th* Day of *March*, 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2008

Time *G. J. [Signature]*