

H. B. 3154

(By Delegate Michael)

[Introduced February 16, 2011; referred to the Committee on Veterans' Affairs and Homeland Security then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §11-21-12e of the Code of West Virginia, 1931, as amended, relating to taxation; personal income tax; and providing an exemption from taxation for active duty military personnel who are residents of West Virginia and stationed in the state.

Be it enacted by the Legislature of West Virginia:

That §11-21-12e 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.

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

For taxable years beginning after December 31, 2000, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to subsection (c), section twelve of

1 this article, active duty military pay received for the period of
2 time an individual is on active duty as a member of the National
3 Guard or Armed Forces Reserves called to active duty pursuant to an
4 Executive Order of the President of the United States for duty in
5 "operation enduring freedom" or for domestic security duty is an
6 authorized modification reducing federal adjusted gross income, but
7 only to the extent the active duty military pay is included in
8 federal adjusted gross income for the taxable year in which it is
9 received: Provided, That this section also applies to active duty
10 military pay received for the period of time an individual, who is
11 a resident of West Virginia, is on active duty as a member of the
12 National Guard or Armed Forces Reserves in this state.

NOTE: The purpose of this bill is to exempt from taxation active duty military pay for active duty military personnel who are residents of West Virginia and stationed in the state.

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