

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### House Bill 2372

FISCAL  
NOTE

BY DELEGATE MCGEEHAN

[Introduced January 14, 2019; Referred  
to the Committee on Pensions and Retirement then  
Finance.]

1 A BILL to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended,  
2 relating to continuing personal income tax adjustment to gross income of certain retirees  
3 receiving pensions from defined pension plans that terminated and are being paid a  
4 reduced maximum benefit guarantee.

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

## **ARTICLE 21. PERSONAL INCOME TAX.**

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

1 In addition to amounts authorized to be subtracted from federal adjusted gross income  
2 pursuant to §11-21-12(c) of this code, any person who retires under an employer-provided defined  
3 benefit pension plan that terminates prior to or after the retirement of that person and the pension  
4 plan is covered by a guarantor whose maximum benefit guarantee is less than the maximum  
5 benefit to which the retiree was entitled had the plan not terminated may subtract annually from  
6 his or her federal adjusted income a sum equal to the difference in the amount of the maximum  
7 annual pension benefit the person would have received for such tax year had the plan not  
8 terminated and the maximum annual pension benefit actually received from the guarantor under  
9 a benefit guarantee plan: *Provided*, That if the Tax Commissioner determines that this adjustment  
10 reduces the revenues of the state by \$2 million or more in any one year, then the Tax  
11 Commissioner shall reduce the percentage of the reduction to a level at which the commissioner  
12 believes will reduce the cost of the adjustment to \$2 million for the next year. This tax adjustment  
13 is effective for taxable years beginning on and after January 1, 2008: *Provided, however*, That for  
14 the taxable year 2007, the tax adjustment shall be effective and shall apply retroactively: *Provided*  
15 *further*, That the adjustment terminates for the tax years on and after January 1, 2015. The tax  
16 adjustment is effective for the taxable years beginning on and after January 1, 2019, and  
17 terminates for tax years after December 31, 2021. This modification is available regardless of the  
18 type of return form filed.

NOTE: The purpose of this bill is to reinstate a 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.

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