

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 444

BY SENATORS NELSON, CLEMENTS, TRUMP, PLYMALE,
AND MARONEY

[Introduced January 20, 2022; referred to
the Committee on Pensions; and then to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §8-22-25b, relating to providing that the right to benefits are not subject to
 3 execution; prohibiting assignments; relating to deductions for group insurance; providing
 4 setoffs for fraud; providing an exception for certain domestic relations orders; and
 5 providing that assets are exempt from taxes.

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.

NOTE: The purpose of this bill is to provide that the right to benefits is not subject to execution. The bill is to prohibit assignments. The bill relates to deductions for group insurance. The bill provides setoffs for fraud. The bill provides an exception for certain domestic relations orders. Finally, the bill provides that assets are exempt from taxes.

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