

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2600

By Delegates McGeehan, Anders, White, Chiarelli,
and Pritt

[Introduced February 19, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §11-3-9 and §11-21-12 of the Code of West Virginia, 1931, as
2 amended; relating to exempting firefighters and volunteer firefighters from payment of
3 income and real and personal property taxes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-9. Property exempt from taxation.

1 (a) All property, real and personal, described in this subsection, and to the extent limited by
2 this section, is exempt from taxation:

3 (1) Property belonging to the United States, other than property permitted by the United
4 States to be taxed under state law;

5 (2) Property belonging exclusively to the state;

6 (3) Property belonging exclusively to any county, district, city, village, or town in this state
7 and used for public purposes;

8 (4) Property located in this state belonging to any city, town, village, county, or any other
9 political subdivision of another state and used for public purposes;

10 (5) Property used exclusively for divine worship, or used exclusively for divine worship and
11 the operation of a pre-K school, primary school, middle school, secondary school, daycare center,
12 or church camp for children, which school, daycare center, or church camp is operated by the
13 church which owns the property or is operated by another not-for-profit organization or entity;

14 (6) Parsonages and the household goods and furniture pertaining thereto;

15 (7) Mortgages, bonds, and other evidence of indebtedness in the hands of bona fide
16 owners and holders hereafter issued and sold by churches and religious societies for the purposes
17 of securing money to be used in the erection of church buildings used exclusively for divine
18 worship or for the purpose of paying indebtedness thereon;

19 (8) Cemeteries;

20 (9) Property belonging to, or held in trust for, colleges, seminaries, academies, and free

21 schools, if used for educational, literary, or scientific purposes, including books, apparatus,
22 annuities, and furniture;

23 (10) Property belonging to, or held in trust for, colleges or universities located in West
24 Virginia, or any public or private nonprofit foundation or corporation which receives contributions
25 exclusively for ~~such~~ that college or university, if the property or dividends, interest, rents, or
26 royalties derived therefrom are used or devoted to educational purposes of ~~such~~ that college or
27 university;

28 (11) Public and family libraries;

29 (12) Property used for charitable purposes and not held or leased out for profit;

30 (13) Property used for the public purposes of distributing electricity, water or natural gas or
31 providing sewer service by a duly chartered nonprofit corporation when ~~such~~ that property is not
32 held, leased out, or used for profit;

33 (14) Property used for area economic development purposes by nonprofit corporations
34 when the property is not leased out for profit;

35 (15) All real estate not exceeding one acre in extent, and the buildings on the real estate,
36 used exclusively by any college or university society as a literary hall, or as a dormitory or
37 clubroom, if not used with a view to profit, including, but not limited to, property owned by a
38 fraternity or sorority organization affiliated with a university or college or property owned by a
39 nonprofit housing corporation or similar entity on behalf of a fraternity or sorority organization
40 affiliated with a university or college, when the property is used as residential accommodations or
41 as a dormitory for members of the organization;

42 (16) All property belonging to benevolent associations not conducted for private profit;

43 (17) Property belonging to any public institution for the education of the deaf, intellectually
44 disabled, or blind or any hospital not held or leased out for profit;

45 (18) Houses of refuge and mental health facility or orphanage;

46 (19) Homes for children or for the aged, friendless, or infirm not conducted for private profit;

(20) Fire engines and implements for extinguishing fires, and property used exclusively for the safekeeping thereof, and for the meeting of fire companies;

(21) All property on hand to be used in the subsistence of livestock on hand at the commencement of the assessment year;

(22) Household goods to the value of \$200, whether or not held or used for profit;

(23) Bank deposits and money;

(24) Household goods, which for purposes of this section means only personal property and household goods commonly found within the house and items used to care for the house and its surrounding property, when not held or used for profit;

(25) Personal effects, which for purposes of this section means only articles and items of personal property commonly worn on or about the human body or carried by a person and normally thought to be associated with the person when not held or used for profit;

(26) Dead victuals laid away for family use;

(27) All property belonging to the state, any county, district, city, village, town, or other political subdivision or any state college or university which is subject to a lease purchase agreement, and which provides that, during the term of the lease purchase agreement, title to the leased property rests in the lessee so long as lessee is not in default or ~~shall~~ may not have terminated the lease as to the property;

(28) Personal property, including vehicles that qualify for a farm use exemption certificate pursuant to §17A-3-2 of this code and livestock, employed exclusively in agriculture, as defined in article X, section one of the West Virginia Constitution: *Provided*, That this exemption only applies ~~in the case of such~~ if that personal property is used on a farm or farming operation that annually produces for sale agricultural products, as defined in rules of the Tax Commissioner;

(29) Real property owned by a nonprofit organization whose primary purpose is youth development by means of adventure, educational, or recreational activities for young people, which real property contains a facility built with the expenditure of not less than \$100 million that is

capable of supporting additional activities within the region or the state and which is leased or used to generate revenue for the nonprofit organization whether or not the property is used by the nonprofit organization for its nonprofit purpose, subject to the requirements, limitations, and conditions set forth in §11-3-9(h) of this code; and

(30) Real and personal property owned by firefighters who are full-time employees of a local fire department and volunteer firefighters who have successfully completed training requirements under §29-3-6 and who are employed by a volunteer fire department; and

~~(30)~~ (31) Any other property or security exempted by any other provision of law.

(b) Notwithstanding the provisions of §11-3-9(a) of this code, no property is exempt from taxation which has been purchased or procured for the purpose of evading taxation whether temporarily holding the same over the first day of the assessment year or otherwise.

(c) Real property which is exempt from taxation by §11-3-9(a) of this code shall be entered upon the assessor's books, together with the true and actual value thereof, but no taxes may be levied upon the property or extended upon the assessor's books.

(d) Notwithstanding any other provisions of this section, this section does not exempt from taxation any property owned by, or held in trust for, educational, literary, scientific, religious, or other charitable corporations or organizations, including any public or private nonprofit foundation or corporation existing for the support of any college or university located in West Virginia, unless ~~such~~ that property, or the dividends, interest, rents, or royalties derived therefrom, is used primarily and immediately for the purposes of the corporations or organizations.

(e) The Tax Commissioner shall, by issuance of rules, provide each assessor with guidelines to ensure uniform assessment practices statewide to affect the intent of this section.

(f) Inasmuch as there is litigation pending regarding application of this section to property held by fraternities and sororities, amendments to this section enacted in the year 1998 shall apply to all cases and controversies pending on the date of ~~such~~ the enactment.

(g) The amendment to §11-3-9(a)(27) of this code, passed during the 2005 regular session

of the Legislature, shall apply to all applicable lease purchase agreements in existence upon the effective date of the amendment.

(h) Nonprofit youth organization exemption. — Limitations, conditions, collection, and administration of one and one quarter percent fee, limitations, and distribution of moneys.

(1) The exemption from ad valorem taxation provided pursuant to the provisions of §11-3-9(a)(29) of this code does not apply to a property owned by a nonprofit organization otherwise qualifying for the exemption but which property or facilities are used for profit or outside the primary purpose of the owner which result in unrelated business taxable income as defined by Section 512 of the Internal Revenue Code of 1986, as amended, unless the income is generated by an activity upon which the one and one quarter percent fee authorized by §11-3-9(h)(2) of this code is applied as provided in §11-3-9(h)(3) of this code.

(2) The owner of real property exempt from ad valorem taxation under §11-3-9(a)(29) of this code shall pay an amount equal to one and one quarter percent of the gross revenues the owner receives in accordance with this subsection. For purposes of this subsection, "gross revenues" means the gross amount received by the owner as payment for use of the property or the facilities thereon.

(3) Gross revenues derived from the following facilities, uses, activities, and operations are subject to a fee of one and one quarter percent of such the gross revenues:

(A) Gross revenues derived from the use of lodging and campground facilities by persons participating in meetings and multiday spectator sports or multiday recreational, celebratory, or ceremonial events held onsite where onsite lodging or camping is offered as part of the program. For purposes of this section the term "meeting" means, and is limited to, a gathering, assembly, or conference of two or more persons who have deliberately convened at a single specific location at a single specified time and date for a common specific purpose.

(B) Gross revenues derived from any retail store located at the facility that is open only to those persons who are attending meetings, spectator sports, recreational, celebratory, or

125 ceremonial events held onsite at the facility.

126 (C) Gross revenues derived from operations of gift shops at a welcome or information
127 center located adjacent to a public highway operated by the nonprofit organization which is open
128 to the general public.

129 (D) Gross revenues derived from the leasing of zip-lines, canopy tours, wheeled sports,
130 and climbing facilities used by the general public on a for-profit basis: (i) Under a written
131 agreement with a licensed commercial outfitter operating a business utilizing zip-lines, canopy
132 tours, wheeled sports, or climbing areas of a similar nature in the same or an adjacent county
133 where the facilities are located; and (ii) when the property or facilities are used as part of a training
134 or advanced experience offered by the licensed commercial outfitter.

135 (E) Gross revenues derived from the use or operation of zip-lines, canopy tours, wheeled
136 sports facilities, or activities, climbing facilities or activities and the use or operation of other
137 sporting facilities on the exempt property that are leased on a for-profit basis for spectator events,
138 such as concerts, spectator sporting events, or exhibitions or similar mass gathering events.

139 (F) Gross revenues derived from leases or agreements for use of the property for meetings
140 and multiday spectator sports or events or multiday recreational, celebratory, or ceremonial
141 events, held onsite.

142 (4) Notwithstanding any other provision of this section to the contrary, programs or
143 activities occurring on the property or its facilities held in conjunction with a government
144 organization or sponsored by other nonprofit organizations serving youth, veterans, military
145 services, public service agencies including, fire, police, emergency, and search and rescue
146 services, government agencies, schools and universities, health care providers, and similar
147 organizations or groups which are designed to provide opportunities for learning or training in the
148 areas of leadership, character education, science, technology, engineering, arts, and mathematics
149 (STEAM) programs, physical challenges, sustainability, conservation, and outdoor learning shall
150 be considered a charitable or nonprofit use for the purposes of this section and not subject to the

one and one quarter percent fee.

(5) Notwithstanding any other provision of this section to the contrary, activities open to the public through individual visitor passes allowing tours and access to the property and its facilities for the purpose of viewing or participating in demonstrations, programs, and facilities providing information and experiences consistent with the owner's nonprofit purposes where zip-lines, canopy tours, wheeled sports, or climbing facilities are merely components of the demonstrations, programs, and facilities used shall be considered a charitable or nonprofit use for the purposes of this section and not subject to the one and one quarter percent fee: *Provided*, That ~~such~~ the individual visitor passes may not include the rental or use of onsite overnight lodging or camping facilities.

(6) Administration. —

(A) The sheriff of the county wherein the majority of the acreage of the property is located as specified in the deed to ~~such~~ that property, shall collect, on a monthly basis, all moneys derived from the fee of one and one quarter percent of the gross revenues imposed under this subsection.

(B) The sheriff of the county wherein the majority of the acreage of the property is located as specified in the deed to ~~such~~ that property, shall prescribe such forms and schedules as may be necessary for the efficient, accurate, and expeditious payment and reporting of the one and one quarter percent fee specified in this subsection on gross revenues.

(C) The sheriff of the county wherein the majority of the acreage of the property is located as specified in the deed to ~~such~~ that property, shall administer the fee imposed under this subsection, including refunds and adjustments.

(D) Payment, administration, and compliance of fee payers and administrators shall be subject to audit by the Office of Chief Inspector.

(E) All moneys so collected, net of refunds and adjustments, shall be paid into a special account in the State Treasury, which is hereby created, and the amount thereof shall be distributed and paid annually, by the State Treasurer, on October 1 of each year, into the funds and to the

177 distributees specified in of this code in the amounts specified therein.

178 (7) Distribution. —

179 (A) Twenty-five percent of moneys so collected, net of refunds and adjustments, shall be
180 paid annually to the Tourism Promotion Fund established pursuant to §5B-2-12 of this code.

181 (B) Twenty-five percent of moneys so collected, net of refunds and adjustments, shall be
182 paid annually to the sheriff of the county where the property is located which, but for the exemption
183 provided in §11-3-9(a)(29) of this code, would be entitled to receive ad valorem taxes on the
184 property. The sheriff shall treat all such payments in the same manner as payments in lieu of taxes,
185 and such payments are subject to the adjustment mandated under §18-9A-12 of this code. For
186 properties located in more than one county, the amount paid to the sheriff of the county shall be in
187 proportion to the total number of acres located in each county at the close of the fiscal year, as
188 specified in the deed to ~~such~~ that property.

189 (C) Fifty percent of moneys so collected, net of refunds and adjustments, shall be divided
190 equally and paid annually into separate accounts established and maintained by the sheriffs of the
191 county or counties wherein the property is located and the sheriffs of any other county that is within
192 the jurisdiction of the same economic development authority as the county or counties wherein the
193 property is located to be used solely for the establishment and delivery of a science, technology,
194 engineering, art, and math (STEAM) program in conjunction with the owner of the exempt
195 property. The funds shall be divided equally for use in each county and the programs must be
196 approved by the respective county superintendents of schools. Expenditures from the accounts
197 shall be authorized by the county superintendent of schools.

198 (8) If lodging is furnished as part of a retreat, meeting, or multiday spectator sport or event
199 being held onsite wherein onsite lodging or camping is offered as part of the program, any
200 applicable hotel occupancy tax and state and local consumers sales and service tax and use tax
201 shall be paid based upon the actual location of ~~such~~ that lodging.

202 (9) If merchants are allowed to do business on the property, the owner or lessee of the

203 property shall offer space to local merchants on terms at least as favorable as are offered to other
204 merchants.

205 (10) For the purposes of this subsection, owner includes the owner holding record title to
206 the property and its affiliates to the extent they are commonly owned, controlled or have the power
207 to appoint the governing body of the affiliate.

208 (11) The Tourism Commission shall include in its annual report submitted to the Governor
209 and the Legislature a summary of funds paid into the Tourism Promotion Fund and
210 recommendations pertaining to the administration of this section.

211 (12) This subsection may not be construed to prohibit the owner of property otherwise
212 subject to this section from having portions of the property severed from the remainder of the
213 property, assessed and taxed as if nonexempt and thereafter conducting business on such
214 property the same as any other nonexempt property: *Provided*, That the area of property to be
215 severed shall be approved by the county commission wherein the property lies so as to include in
216 the severance all property substantially supporting the for-profit or business activity giving rise to
217 the specific purpose of the severance and excluding all property entitled to the continued benefits
218 of this act.

219 (i) To assure the implementation of §11-3-9(h) of this code does not harm local and
220 regionally located businesses by use of the tax-exempt facility in a manner that cause unfair
221 competition and unreasonable loss of revenue to those businesses, studies shall be periodically
222 conducted to assure that further legislation is in order regarding the uses of the tax-exempt facility.
223 The county commission of any county where such a property is located shall report to the Joint
224 Committee on Government and Finance by the first day of January every five years after the
225 effective date of this section. The report shall include information on any unfair business
226 competition resulting from the establishment of the nonprofit status, and include a report of the
227 costs and benefits to its county of the tax exemption and associated fee, including an audit of that
228 county's use of the net revenues. The West Virginia University Bureau of Business and Economic

229 Research in coordination of the Center for Business and Economic Research at Marshall
 230 University, by January 1, 2020, shall undertake a study and report to the committee, the economic
 231 impact of this tax exemption and fee to the county and that region of the state, and make any
 232 recommendations regarding the benefits and disadvantages for continuing the provision of this tax
 233 exemption and fee, included, but not limited to, the impacts to other small and large businesses in
 234 the county, the costs to the county has incurred as a result of use of the facility, and any other
 235 relevant data that the universities may deem relevant.

ARTICLE 21. PERSONAL INCOME TAX.
§11-21-12. West Virginia adjusted gross income of resident individual.

1 (a) General. — The West Virginia adjusted gross income of a resident individual means his
 2 or her federal adjusted gross income as defined in the laws of the United States for the taxable
 3 year with the modifications specified in this section.

4 (b) Modifications increasing federal adjusted gross income. — There shall be added to
 5 federal adjusted gross income, unless already included therein, the following items:

6 (1) Interest income on obligations of any state other than this state or of a political
 7 subdivision of any other state unless created by compact or agreement to which this state is a
 8 party;

9 (2) Interest or dividend income on obligations or securities of any authority, commission or
 10 instrumentality of the United States, which the laws of the United States exempt from federal
 11 income tax but not from state income taxes;

12 (3) Any deduction allowed when determining federal adjusted gross income for federal
 13 income tax purposes for the taxable year that is not allowed as a deduction under this article for the
 14 taxable year;

15 (4) Interest on indebtedness incurred or continued to purchase or carry obligations or
 16 securities the income from which is exempt from tax under this article, to the extent deductible in
 17 determining federal adjusted gross income;

(5) Interest on a depository institution tax-exempt savings certificate which is allowed as an exclusion from federal gross income under Section 128 of the Internal Revenue Code, for the federal taxable year;

(6) The amount of a lump sum distribution for which the taxpayer has elected under Section 402(e) of the Internal Revenue Code of 1986, as amended, to be separately taxed for federal income tax purposes; and

(7) Amounts withdrawn from a medical savings account established by or for an individual under §33-15-20 or §33-16-15 of this code that are used for a purpose other than payment of medical expenses, as defined in those sections.

(c) Modifications reducing federal adjusted gross income. — There shall be subtracted from federal adjusted gross income to the extent included therein:

(1) Interest income on obligations of the United States and its possessions to the extent includable in gross income for federal income tax purposes;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States or of the State of West Virginia to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States or of the State of West Virginia, including federal interest or dividends paid to shareholders of a regulated investment company, under Section 852 of the Internal Revenue Code for taxable years ending after June 30, 1987;

(3) Any amount included in federal adjusted gross income for federal income tax purposes for the taxable year that is not included in federal adjusted gross income under this article for the taxable year;

(4) The amount of any refund or credit for overpayment of income taxes imposed by this state, or any other taxing jurisdiction, to the extent properly included in gross income for federal income tax purposes;

(5) Annuities, retirement allowances, returns of contributions and any other benefit

received under the West Virginia Public Employees Retirement System, and the West Virginia State Teachers Retirement System, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes: *Provided*, That notwithstanding any provisions in this code to the contrary this modification shall be limited to the first \$2,000 of benefits received under the West Virginia Public Employees Retirement System, the West Virginia State Teachers Retirement System and, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes for taxable years beginning after December 31, 1986; and the first \$2,000 of benefits received under any federal retirement system to which Title 4 U.S.C. §111 applies: *Provided, however*, That the total modification under this paragraph ~~shall~~ may not exceed \$2,000 per person receiving retirement benefits and this limitation shall apply to all returns or amended returns filed after December 31, 1988;

(6) Retirement income received in the form of pensions and annuities after December 31, 1979, under any West Virginia police, West Virginia Firemen's Retirement System or the West Virginia State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement System or the West Virginia Deputy Sheriff Retirement System, including any survivorship annuities derived from any of these programs, to the extent includable in gross income for federal income tax purposes;

(7) (A) For taxable years beginning after December 31, 2000, and ending prior to January 1, 2003, an amount equal to two percent multiplied by the number of years of active duty in the Armed Forces of the United States of America with the product thereof multiplied by the first \$30,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2000, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(B) For taxable years beginning after December 31, 2000, the first \$20,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and

70 National Guard paid by the United States or by this state after December 31, 2002, including any
71 survivorship annuities, to the extent included in gross income for federal income tax purposes for
72 the taxable year.

73 (C) For taxable years beginning after December 31, 2017, military retirement income,
74 including retirement income from the regular Armed Forces, Reserves and National Guard paid by
75 the United States or by this state after December 31, 2017, including any survivorship annuities, to
76 the extent included in federal adjusted gross income for the taxable year. For taxable years
77 beginning after December 31, 2018, retirement income from the uniformed services, including the
78 Army, Navy, Marines, Air Force, Coast Guard, Public Health Service, National Oceanic
79 Atmospheric Administration, reserves, and National Guard, paid by the United States or by this
80 state after December 31, 2018, including any survivorship annuities, to the extent included in
81 federal adjusted gross income for the taxable year.

82 (D) ~~In the event that~~ If any of the provisions of this subdivision are found by a court of
83 competent jurisdiction to violate either the Constitution of this state or of the United States, or is
84 held to be extended to persons other than specified in this subdivision, this subdivision shall
85 become null and void by operation of law.

86 (8) Decreasing modification for social security income.

87 (A) For taxable years beginning on or after January 1, 2022, 100 percent of the social
88 security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to,
89 social security benefits paid by the Social Security Administration as Old Age, Survivors and
90 Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security
91 Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in
92 federal adjusted gross income for the taxable year shall be allowed as a decreasing modification
93 from federal adjusted gross income when determining West Virginia taxable income subject to the
94 tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(B) of this code.

95 (B) The deduction allowed by §11-21-12(c)(8)(A) of this code are allowable only when the

federal adjusted gross income of a married couple filing a joint return does not exceed \$100,000, or \$50,000 in the case of a single individual or a married individual filing a separate return.

(C) For taxable years beginning on and after January 1, 2024, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(D) For taxable years beginning on or after January 1, 2025, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(E) For taxable years beginning on or after January 1, 2026, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(F) The deduction allowed by §11-21-12(c)(8)(C), §11-21-12(c)(8)(D), and §11-21-12(c)(8)(E) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return exceeds \$100,000, or \$50,000 in the case of a single individual or a married individual filing a separate return.

(9) Federal adjusted gross income in the amount of \$8,000 received from any source after December 31, 1986, by any person who has attained the age of 65 on or before the last day of the taxable year, or by any person certified by proper authority as permanently and totally disabled, regardless of age, on or before the last day of the taxable year, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That if a person has a medical certification from a prior year and he or she is still permanently and totally disabled, a copy of the original certificate is acceptable as proof of disability. A copy of the form filed for the federal disability income tax exclusion is acceptable: *Provided, however*, That:

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is \$8,000 per person or more, no deduction ~~shall~~ may be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is less than \$8,000 per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between \$8,000 and the sum of modifications under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(10) Federal adjusted gross income in the amount of \$8,000 received from any source after December 31, 1986, by the surviving spouse of any person who had attained the age of 65 or who had been certified as permanently and totally disabled, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That:

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is \$8,000 or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this

subsection is less than \$8,000 per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between \$8,000 and the sum of subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(11) Contributions from any source to a medical savings account established by or for the individual pursuant to §33-15-20 or §33-16-15 of this code, plus interest earned on the account, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That the amount subtracted pursuant to this subdivision for any one taxable year may not exceed \$2,000 plus interest earned on the account. For married individuals filing a joint return, the maximum deduction is computed separately for each individual; and

(12) Income received by firefighters who are full-time employees of a local fire department and volunteer firefighters who have successfully completed training requirements under §29-3-6 and who are employed by a volunteer fire department; and

~~(12)~~ (13) Any other income which this state is prohibited from taxing under the laws of the United States including, but not limited to, tier I retirement benefits as defined in Section 86(d)(4) of the Internal Revenue Code.

(d) Modification for West Virginia fiduciary adjustment. — There shall be added to or subtracted from federal adjusted gross income, as the case may be, the taxpayer's share, as beneficiary of an estate or trust, of the West Virginia fiduciary adjustment determined under §11-21-19 of this code.

(e) Partners and S corporation shareholders. — The amounts of modifications required to be made under this section by a partner or an S corporation shareholder, which relate to items of income, gain, loss or deduction of a partnership or an S corporation, shall be determined under §11-21-17 of this code.

(f) Husband and wife. — If husband and wife determine their federal income tax on a joint return but determine their West Virginia income taxes separately, they shall determine their West Virginia adjusted gross incomes separately as if their federal adjusted gross incomes had been

174 determined separately.

175 (g) Effective date. –

176 (1) Changes in the language of this section enacted in the year 2000 shall apply to taxable
177 years beginning after December 31, 2000.

178 (2) Changes in the language of this section enacted in the year 2002 shall apply to taxable
179 years beginning after December 31, 2002.

180 (3) Changes in the language of this section enacted in the year 2019 shall apply to taxable
181 years beginning after December 31, 2018.

182 (4) Changes in the language of this section enacted in the year 2024 shall apply
183 retroactively to taxable years beginning after December 31, 2023.

NOTE: The purpose of this bill is to exempt firefighters, who are full-time employees of a local fire department, and volunteer firefighters who have successfully completed training requirements under §29-3-6 of this code and who are employed by a volunteer fire department, from payment of income and real and personal property 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.