

HB 4433

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4433

FILED
2022 MAR 28 P 4: 31
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

BY DELEGATES STORCH, GEARHART, EVANS, ANDERSON,
BATES, AND PETHTEL

(BY REQUEST OF THE MUNICIPAL PENSIONS OVERSIGHT BOARD)

[Passed March 11, 2022; in effect ninety days from passage.]

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(BY REQUEST OF THE MUNICIPAL PENSIONS OVERSIGHT BOARD)

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1 AN ACT to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto
2 a new section, designated §8-22-25b, relating to the protection of benefits and assets of
3 members of a policemen's pension and relief fund or a firemen's pension and relief fund
4 from execution, assignment or other process and certain taxes; and providing exceptions.

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.

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


Chairman, House Committee


Chairman, Senate Committee

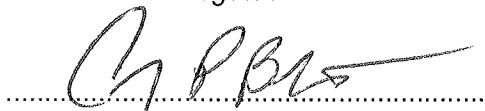
Originating in the House.

In effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates

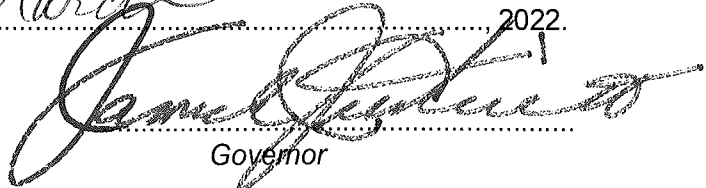

President of the Senate

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 28 P 4: 31

FILED

The within is approved this the 28th
day of March 2022.


Governor

PRESENTED TO THE GOVERNOR

MAR 24 2022

Time 10:01 am