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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

SENATE BILL NO. 462

(By Senators Tomblin, Mr. President, and Sprouse, +
By Request of the Executive)

PASSED February 26, 2003

In Effect from **Passage**

2003 MAR 10

ENROLLED

Senate Bill No. 462

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed February 26, 2003; in effect from passage.]

AN ACT to amend and reenact section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to updating the meaning of certain terms used in the West Virginia personal income tax act by bringing them into conformity with their meanings for federal income tax purposes; and updating effective date.

Be it enacted by the Legislature of West Virginia:

That section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-9. Meaning of terms.

1 (a) Any term used in this article has the same meaning as
2 when used in a comparable context in the laws of the
3 United States relating to income taxes unless a different
4 meaning is clearly required. Any reference in this article
5 to the laws of the United States means the provisions of
6 the Internal Revenue Code of 1986, as amended, and any
7 other provisions of the laws of the United States that
8 relate to the determination of income for federal income
9 tax purposes. All amendments made to the laws of the
10 United States on or after the fifteenth day of March, two
11 thousand two, but prior to the first day of January, two
12 thousand three, shall be given effect in determining the
13 taxes imposed by this article to the same extent those
14 changes are allowed for federal income tax purposes,
15 whether the changes are retroactive or prospective, but no
16 amendment to the laws of the United States made on or
17 after the first day of January, two thousand three, shall be
18 given any effect.

19 (b) *Medical savings accounts.* – The term “taxable trust”
20 does not include a medical savings account established
21 pursuant to section twenty, article fifteen, chapter thirty-
22 three of this code or section fifteen, article sixteen of said
23 chapter. Employer contributions to a medical savings
24 account established pursuant to said sections are not
25 “wages” for purposes of withholding under section
26 seventy-one of this article.

27 (c) *Surtax.* – The term “surtax” means the twenty-
28 percent additional tax imposed on taxable withdrawals
29 from a medical savings account under section twenty,
30 article fifteen, chapter thirty-three of this code and the
31 twenty-percent additional tax imposed on taxable with-
32 draws from a medical savings account under section
33 fifteen, article sixteen of said chapter which are collected
34 by the tax commissioner as tax collected under this article.

35 (d) *Effective date.* – The amendments to this section
36 enacted in the year two thousand three are retroactive to
37 the extent allowable under federal income tax law. With

38 respect to taxable years that began prior to the fifteenth
39 day of March, two thousand two, the law in effect for each
40 of those years shall be fully preserved as to that year
41 except as provided in this section.

42 (e) For purposes of the refundable credit allowed to a
43 low income senior citizen for property tax paid on his or
44 her homestead in this state, the term "laws of the United
45 States" as used in subsection (a) of this section means and
46 includes the term "low income" as defined in subsection
47 (b), section twenty-one of this article and as reflected in
48 the poverty guidelines updated periodically in the federal
49 register by the U. S. department of health and human
50 services under the authority of 42 U. S. C. 9902(2).

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

Calley Ann
.....
Chairman Senate Committee

Sharon Spencer
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

David E. Gohas
.....
Clerk of the Senate

Bryan W. Bow
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is* approved this the *10th*
Day of *March*, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/5/03

Time 10:05 am