

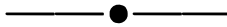
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2004 MAR -9 P 4: 56

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



# ENROLLED

## House Bill No. 4011

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)  
[By Request of the Executive]



Passed February 24, 2004

In Effect from Passage

FILED

2004 MAR -9 P 4:56

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**H. B. 4011**

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)  
[BY REQUEST OF THE EXECUTIVE]

[Passed February 24, 2004; in effect from passage.]

AN ACT to amend and reenact §11-21-9 of the code of West Virginia, 1931, 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 §11-21-9 of the code of West Virginia, 1931, 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 United  
3 States relating to income taxes, unless a different meaning is  
4 clearly required. Any reference in this article to the laws of the  
5 United States means the provisions of the Internal Revenue

6 Code of 1986, as amended, and any other provisions of the laws  
7 of the United States that relate to the determination of income  
8 for federal income tax purposes. All amendments made to the  
9 laws of the United States after the thirty-first day of May, two  
10 thousand three, but prior to the first day of January, two  
11 thousand four, shall be given effect in determining the taxes  
12 imposed by this article to the same extent those changes are  
13 allowed for federal income tax purposes, whether the changes  
14 are retroactive or prospective, but no amendment to the laws of  
15 the United States made on or after the first day of January, two  
16 thousand four, shall be given any effect.

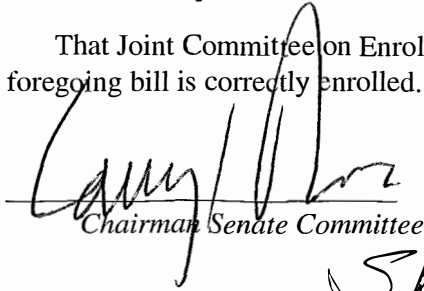
17 (b) *Medical savings accounts.* — The term “taxable trust”  
18 does not include a medical savings account established pursuant  
19 to section twenty, article fifteen, chapter thirty-three of this  
20 code or section fifteen, article sixteen of said chapter. Employer  
21 contributions to a medical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

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

32 (d) *Effective date.* — The amendments to this section  
33 enacted in the year two thousand four are retroactive to the  
34 extent allowable under federal income tax law. With respect to  
35 taxable years that began prior to the first day of June, two  
36 thousand three, the law in effect for each of those years shall be  
37 fully preserved as to that year, except as provided in this  
38 section.

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

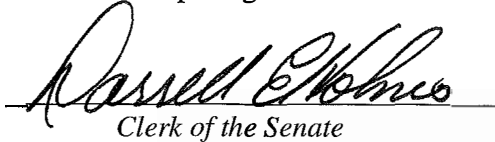
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

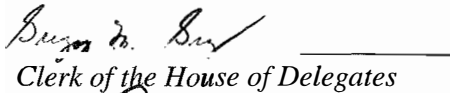
  
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Chairman Senate Committee

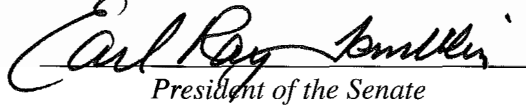
  
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Chairman House Committee

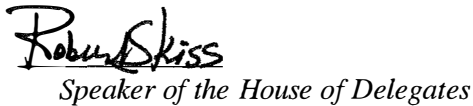
Originating in the House.

In effect from passage

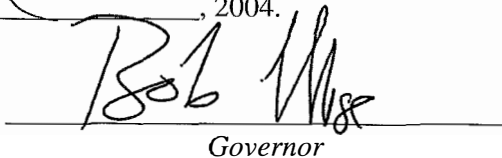
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 9th  
day of March, 2004.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

DATE 3/3/04

TIME 3:55