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SB609

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006



ENROLLED

SENATE BILL NO. 609

(By Senators Helmick and Minard)



PASSED March 9, 2006

In Effect 90 days from Passage

FILED

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SECRETARY OF STATE

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Senate Bill No. 609

(BY SENATORS HELMICK AND MINARD)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and subjecting the refundable senior citizens' tax credit to a three-year statute of limitations for filing a claim for refund.

Be it enacted by the Legislature of West Virginia:

That §11-21-21 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-21. Senior citizens' tax credit for property tax paid on first ten thousand dollars of taxable assessed value of a homestead in this state.

- 1 (a) *Allowance of credit.* – A low-income person who is
- 2 allowed a twenty thousand dollar homestead exemption
- 3 from the assessed value of his or her homestead for ad
- 4 valorem property tax purposes, as provided in section
- 5 three, article six-b of this chapter, shall be allowed a

6 refundable credit against the taxes imposed by this article
7 equal to the amount of ad valorem property taxes paid on
8 up to the first ten thousand dollars of taxable assessed
9 value of the homestead for property tax years that begin
10 on or after the first day of January, two thousand three:
11 *Provided*, That the credit for each property tax year shall
12 be claimed by filing a claim for refund within three years
13 after the due date for the personal income tax return upon
14 which the credit is first available.

15 (b) *Terms defined.* – For purposes of this section:

16 (1) “Low income” means federal adjusted gross income
17 for the taxable year that is one hundred fifty percent or
18 less of the federal poverty guideline for the year in which
19 property tax was paid, based upon the number of individu-
20 als in the family unit residing in the homestead, as deter-
21 mined annually by the United States Secretary of Health
22 and Human Services.

23 (2) “Taxes paid” means the aggregate of regular levies,
24 excess levies and bond levies extended against not more
25 than ten thousand dollars of the taxable assessed value of
26 a homestead that are paid during the calendar year
27 determined after application of any discount for early
28 payment of taxes but before application of any penalty or
29 interest for late payment of property taxes for a property
30 tax year that begins on or after the first day of January,
31 two thousand three.

32 (c) *Legislative rule.* – The Tax Commissioner shall
33 propose a legislative rule for promulgation as provided in
34 article three, chapter twenty-nine-a of this code to explain
35 and implement this section.

36 (d) *Confidentiality.* – The Tax Commissioner shall utilize
37 property tax information in the statewide electronic data
38 processing system network to the extent necessary for the
39 purpose of administering this section, notwithstanding any
40 provision of this code to the contrary.

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

Clancy White
.....
Chairman Senate Committee

W. Berry
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell G. Gibbs
.....
Clerk of the Senate

Bruce W. Boy
.....
Clerk of the House of Delegates

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

Robert D.
.....
Speaker House of Delegates

The within *is approved* this the *31st*
March
Day of 2006.

Paul Leach
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 12:15pm