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**WEST VIRGINIA LEGISLATURE** WEST VIRGINIA  
SEVENTY-NINTH LEGISLATURE SECRETARY OF STATE  
REGULAR SESSION, 2010

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**ENROLLED**

**Senate Bill No. 214**

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

[Passed March 9, 2010; in effect from passage.]

SB 214

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OFFICE OF THE CLERK  
SECRETARY OF STATE

## ENROLLED

# Senate Bill No. 214

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

[Passed March 9, 2010; in effect from passage.]

AN ACT to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

*Be it enacted by the Legislature of West Virginia:*

That §11-24-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 24. CORPORATION NET INCOME TAX.**

#### **§11-24-3. Meaning of terms; general rule.**

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 federal income taxes, unless a  
4 different meaning is clearly required by the context or by  
5 definition in this article. Any reference in this article to  
6 the laws of the United States means the provisions of the

7 Internal Revenue Code of 1986, as amended, and any other  
8 provisions of the laws of the United States that relate to  
9 the determination of income for federal income tax  
10 purposes. All amendments made to the laws of the United  
11 States after December 31, 2008, but prior to January 1,  
12 2010, shall be given effect in determining the taxes  
13 imposed by this article to the same extent those changes  
14 are allowed for federal income tax purposes, whether the  
15 changes are retroactive or prospective, but no amendment  
16 to the laws of the United States made on or after January  
17 1, 2010, shall be given any effect.

18 (b) The term "Internal Revenue Code of 1986" means the  
19 Internal Revenue Code of the United States enacted by the  
20 federal Tax Reform Act of 1986 and includes the provi-  
21 sions of law formerly known as the Internal Revenue Code  
22 of 1954, as amended, and in effect when the federal Tax  
23 Reform Act of 1986 was enacted that were not amended or  
24 repealed by the federal Tax Reform Act of 1986. Except  
25 when inappropriate, any reference in any law, executive  
26 order or other document:

27 (1) To the Internal Revenue Code of 1954 includes a  
28 reference to the Internal Revenue Code of 1986; and

29 (2) To the Internal Revenue Code of 1986 includes a  
30 reference to the provisions of law formerly known as the  
31 Internal Revenue Code of 1954.

32 (c) *Effective date.* – The amendments to this section  
33 enacted in the year 2010 are retroactive to the extent  
34 allowable under federal income tax law. With respect to  
35 taxable years that began prior to January 1, 2011, the law  
36 in effect for each of those years shall be fully preserved as  
37 to that year, except as provided in this section.

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

.....  
*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*President of the Senate*

.....  
*Speaker House of Delegates*

The within *is approved* ..... this the *8th* .....  
Day of *June* ..... 2010.

.....  
*Governor*

PRESENTED TO THE  
GOVERNOR

MAR 17 2010

Time 9:16 am