WEST VIRGINIA LEGISLATURE

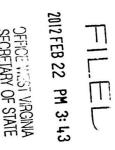
EIGHTIETH LEGISLATURE REGULAR SESSION, 2012

ENROLLED

Senate Bill No. 210

(By Senators Kessler (Mr. President) and Hall, By Request of the Executive)

[Passed February 16, 2012; in effect from passage.]



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> OFFICE WEST VIRGINIA SECRETARY OF STATE

ENROLLED

Senate Bill No. 210

(By Senators Kessler (Mr. President) and Hall, By Request of the Executive)

[Passed February 16, 2012; 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 in order for the definitions to conform with the Internal Revenue Code's definitions.

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 United
- 3 States relating to federal income taxes, unless a different
- 4 meaning is clearly required by the context or by definition in
- 5 this article. Any reference in this article to the laws of the
- 6 United States means the provisions of the Internal Revenue
- 7 Code of 1986, as amended, and any other provisions of the
- 8 laws of the United States that relate to the determination of

- 9 income for federal income tax purposes. All amendments 10 made to the laws of the United States after December 31,
- 11 2010, but prior to January 1, 2012, shall be given effect in
- 12 determining the taxes imposed by this article to the same
- 13 extent those changes are allowed for federal income tax
- 14 purposes, whether the changes are retroactive or prospective,
- 15 but no amendment to the laws of the United States made on
- 16 or after January 1, 2012, shall be given any effect.
- 17 (b) The term "Internal Revenue Code of 1986" means the
- 18 Internal Revenue Code of the United States enacted by the 19 federal Tax Reform Act of 1986 and includes the provisions
- 20 of law formerly known as the Internal Revenue Code of 1954,
- 21 as amended, and in effect when the federal Tax Reform Act
- 22 of 1986 was enacted that were not amended or repealed by
- 23 the federal Tax Reform Act of 1986. Except when inappro-
- 24 priate, any reference in any law, executive order or other 25 document:
- 26 (1) To the Internal Revenue Code of 1954 includes a 27 reference to the Internal Revenue Code of 1986; and
- 28 (2) To the Internal Revenue Code of 1986 includes a 29 reference to the provisions of law formerly known as the 30 Internal Revenue Code of 1954.
- 31 (c) Effective date. The amendments to this section 32 enacted in the year 2012 are retroactive to the extent
- 33 allowable under federal income tax law. With respect to
- 33 allowable under federal income tax law. With respect to 34 taxable years that began prior to January 1, 2013, the law in
- 35 effect for each of those years shall be fully preserved as to
- 36 that year, except as provided in this section.

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

an Senate Committee Chairman House Committee Originated in the Senate. In effect from passage. Clerk of the Senate of the House of Delegates he Senate Speaker of the House of Delegates this the 20x0 Day of Tebruary

PRESENTED TO THE GOVERNOR

FEB 2 0 2012

Time 3:40 pm