

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**House Bill 2777**

By Delegates Hanshaw (Mr. Speaker) and Skaff

(By Request of the Executive)

[Passed February 3, 2023; in effect from passage.]

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

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

**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 when used in a comparable  
2 context in the laws of the United States relating to federal income taxes, unless a different  
3 meaning is clearly required by the context or by definition in this article. Any reference in this article  
4 to the laws of the United States means the provisions of the Internal Revenue Code of 1986, as  
5 amended, and any other provisions of the laws of the United States that relate to the determination  
6 of income for federal income tax purposes. All amendments made to the laws of the United States  
7 after December 31, 2021, but prior to January 1, 2023, shall be given effect in determining the  
8 taxes imposed by this article to the same extent those changes are allowed for federal income tax  
9 purposes, whether the changes are retroactive or prospective, but no amendment to the laws of  
10 the United States made on or after January 1, 2023, shall be given any effect.

11 (b) The term "Internal Revenue Code of 1986" means the Internal Revenue Code of the  
12 United States enacted by the federal Tax Reform Act of 1986 and includes the provisions of law  
13 formerly known as the Internal Revenue Code of 1954, as amended, and in effect when the federal  
14 Tax Reform Act of 1986 was enacted that were not amended or repealed by the federal Tax  
15 Reform Act of 1986. Except when inappropriate, any reference in any law, executive order, or  
16 other document:

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

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

21           (c) *Effective date.* — The amendments to this section enacted in the year 2023 are  
22 retroactive to the extent allowable under federal income tax law. With respect to taxable years that  
23 began prior to January 1, 2023, the law in effect for each of those years shall be fully preserved as  
24 to that year, except as provided in this section.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

Originated in the House of Delegates.

In effect from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

.....  
*Governor*