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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

HOUSE BILL No. 4053

(By Delegate Mr. Speaker, Mr. Chambers, & Del. Bink
[By Request of the Executive])

— ● —

Passed Feb. 10, 1992

In Effect From Passage

ENROLLED
H. B. 4053

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed February 10, 1992; in effect from passage.]

AN ACT to amend and reenact section three-a, article twenty-three, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article twenty-four of said chapter, relating to updating the meaning of certain terms used in the West Virginia business franchise tax act and the West Virginia corporation net income tax act by bringing them into conformity with their meanings for federal income tax purposes for taxable years beginning after the thirty-first day of December, one thousand nine hundred ninety; preserving the prior law; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

That section three-a, article twenty-three, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three, article twenty-four of said chapter be amended and reenacted, all to read as follows:

ARTICLE 23. BUSINESS FRANCHISE TAX.

§11-23-3a. Meaning of terms; general rule.

- 1 (a) Any term used in this article shall have the same
- 2 meaning as when used in a comparable context in the
- 3 laws of the United States relating to federal income
- 4 taxes, unless a different meaning is clearly required by

5 the context or by definition of this article. Any reference
6 in this article to the laws of the United States, or to the
7 Internal Revenue Code, or to the federal income tax law
8 shall mean the provisions of the laws of the United
9 States as related to the determination of income for
10 federal income tax purposes. All amendments made to
11 the laws of the United States prior to the first day of
12 January, one thousand nine hundred ninety-two, shall be
13 given effect in determining the taxes imposed by this
14 article for the tax period beginning the first day of
15 January, one thousand nine hundred ninety-one, and
16 thereafter, but no amendment to laws of the United
17 States made on or after the first day of January, one
18 thousand nine hundred ninety-two, shall be given effect.

19 (b) *Effective date.* — (1) The amendments to this
20 section reenacted in the year one thousand nine hundred
21 ninety-one shall be retroactive and shall apply to taxable
22 years beginning on or after the first day of January, one
23 thousand nine hundred ninety, to the extent allowable
24 under federal income tax law. With respect to taxable
25 years that begin prior to the first day of January, one
26 thousand nine hundred ninety, prior law shall be fully
27 preserved.

28 (2) The amendments to this section reenacted in the
29 year one thousand nine hundred ninety-two shall be
30 retroactive and shall apply to taxable years beginning
31 on or after the first day of January, one thousand nine
32 hundred ninety-one, to the extent allowable under
33 federal income tax law. With respect to taxable years
34 that begin prior to the first day of January, one
35 thousand nine hundred ninety-one, prior law shall be
36 fully preserved.

ARTICLE 24. CORPORATION NET INCOME TAX.

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

1 (a) Any term used in this article shall have the same
2 meaning as when used in a comparable context in the
3 laws of the United States relating to federal income
4 taxes, unless a different meaning is clearly required by
5 the context or by definition in this article. Any reference
6 in this article to the laws of the United States shall mean

7 the provisions of the Internal Revenue Code of 1986, as
8 amended, and such other provisions of the laws of the
9 United States as relate to the determination of income
10 for federal income tax purposes. All amendments made
11 to the laws of the United States prior to the first day
12 of January, one thousand nine hundred ninety-two, shall
13 be given effect in determining the taxes imposed by this
14 article for any taxable year beginning the first day of
15 January, one thousand nine hundred ninety-one, and
16 thereafter, but no amendment to the laws of the United
17 States effective on or after the first day of January, one
18 thousand nine hundred ninety-two, shall be given any
19 effect.

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

30 (1) To the Internal Revenue Code of 1954 shall include
31 reference to the Internal Revenue Code of 1986; and

32 (2) To the Internal Revenue Code of 1986 shall include
33 a reference to the provisions of law formerly known as
34 the Internal Revenue Code of 1954.

35 (c) *Effective date.* — (1) The amendments to this
36 section enacted in the year one thousand nine hundred
37 ninety-one shall be retroactive and shall apply to taxable
38 years beginning on or after the first day of January, one
39 thousand nine hundred ninety, to the extent allowable
40 under federal income tax law. With respect to taxable
41 years that begin prior to the first day of January, one
42 thousand nine hundred ninety, prior law shall be fully
43 preserved.

44 (2) The amendments to this section enacted in the year
45 one thousand nine hundred ninety-one shall be retroac-
46 tive and shall apply to taxable years beginning on or

47 after the first day of January, one thousand nine
48 hundred ninety-one, to the extent allowable under
49 federal income tax law. With respect to taxable years
50 that begin prior to the first day of January, one
51 thousand nine hundred ninety-one, prior law shall be
52 fully preserved.

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

Tomer Leck

Chairman Senate Committee

Ernest Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

David E. Holmes

Clerk of the Senate

Donald G. Kepp

Clerk of the House of Delegates

Phillip Burnett

President of the Senate

B. J. C.

Speaker of the House of Delegates

The within *is approved* this the *21st*
day of *February*, 1992.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 2/17/92

Time 3:15 pm