WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 226

(By Mr. ..................................................)

PASSED .................................................. 1983

In Effect ..................................................
AN ACT to amend and reenact section three, article twenty-four, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to updating meaning of terms used in the West Virginia corporation net income tax act.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 24. CORPORATION NET INCOME TAX.


(a) General.—Any term used in this article shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the context or by definition in this article. Any reference in this article to the laws of the United States or to the Internal Revenue Code or to the federal income tax law shall mean the provisions of the laws of the United States as relate to the determination of income for federal income tax purposes. All amendments made to the laws of the United States prior to the first day of January, one thousand nine hundred eighty-three, shall be given effect in determining the taxes imposed by this article for the tax period beginning the first day of January, one thousand nine hundred eighty-two, and thereafter, but no amendment to laws of the United States made
on or after the first day of January, one thousand nine
hundred eighty-three shall be given effect.

(b) Certain terms defined. — For purposes of this
article:

(1) The term “tax commissioner” means the tax com-
missioner of the state of West Virginia or his delegate.

(2) The term “corporation” means and includes a
joint-stock company or any association which is taxable
as a corporation under the federal income tax law.

(3) The term “domestic corporation” means any corpor-
ation organized under the laws of West Virginia.

(4) The term “foreign corporation” means any corpora-
tion other than a domestic corporation.

(5) The term “state” means any state of the United
States, the District of Columbia, the Commonwealth of
Puerto Rico, any territory or possession of the United
States, and any foreign country or political subdivision
thereof.

(6) The term “taxable year” means the taxable year
for which the taxable income of the taxpayer is com-
puted under the federal income tax law.

(7) The term “taxpayer” means a corporation subject
to the tax imposed by this article.

(8) The term “tax” includes, within its meaning,
interest and penalties unless the intention to give it a
more limited meaning is disclosed by the context.

(9) The term “commercial domicile” means the prin-
cipal place from which the trade or business of the tax-
payer is directed or managed.

(10) The term “compensation” means wages, salaries,
commissions and any form of remuneration paid to em-
ployees for personal services.

(11) The term “West Virginia taxable income” means
the taxable income of a corporation as defined by the
laws of the United States for federal income tax purposes,
adjusted as provided in section six of this article:
Provided, That in the case of a corporation having income
from business activity which is taxable without this
state, its "West Virginia taxable income" shall be such
portion of its taxable income as so defined and adjusted
as is allocated or apportioned to this state under the
provisions of section seven of this article.

(12) The term "business income" means income aris-
ing from transactions and activity in the regular course
of the taxpayer's trade or business and includes income
from tangible and intangible property if the acquisition
and disposition of the property constitute integral parts
of the taxpayer's regular trade or business operations.

(13) The term "nonbusiness income" means all income
other than business income.

(14) The term "public utility" means any business
activity to which the jurisdiction of the public service
commission of West Virginia extends under section one,
article two, chapter twenty-four of the code of West
Virginia.

(15) The term "this code" means the code of West
Virginia, one thousand nine hundred thirty-one, as
amended.

(16) The term "this state" means the state of West
Virginia.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Assured Argus
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Todd C. West
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Wane L. McLean
President of the Senate

John M.嵯, Jr.
Speaker House of Delegates

The within is approved this the 12th day of March, 1983.

Governor