WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 328

(By Senators Benedetti, Mr. President and
Boley, by Request of the Executive)

PASSED February 18, 1991

In Effect from Passage
ENROLLED

Senate Bill No. 328

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed February 18, 1991; 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 eighty-nine; 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.

(a) 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 of 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 related 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 ninety-one, 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 ninety-one, and thereafter, but no amendment to laws of the United States made on or after the first day of January, one thousand nine hundred ninety-one, shall be given effect.

(b) Effective date. — The amendments to this section enacted in the year one thousand nine hundred ninety-one shall be retroactive and shall apply to taxable years beginning on or after the first day of January, one thousand nine hundred ninety, to the extent allowable under federal income tax law. With respect to taxable years that begin prior to the first day of January, one thousand nine hundred ninety, prior law shall be fully preserved.

ARTICLE 24. CORPORATION NET INCOME TAX.

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

(a) 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 shall mean the provisions of the Internal Revenue Code, or to the federal income tax law shall mean the provisions of the laws of the United States as related 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 ninety-one, 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 ninety-one, and thereafter, but no amendment to laws of the United States made on or after the first day of January, one thousand nine hundred ninety-one, shall be given effect.
Revenue Code of 1986, as amended, and such other 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 ninety-one, shall be given effect in determining the taxes imposed by this article for any taxable year beginning the first day of January, one thousand nine hundred ninety, and thereafter, but no amendment to the laws of the United States effective on or after the first day of January, one thousand nine hundred ninety-one, shall be given any effect.

(b) The term “Internal Revenue Code of 1986” means the Internal Revenue Code of the United States enacted by the “Federal Tax Reform Act of 1986” and includes the provisions of law formerly known as the Internal Revenue Code of 1954, as amended, and in effect when the “Federal Tax Reform Act of 1986” was enacted, that were not amended or repealed by the “Federal Tax Reform Act of 1986”. Except when inappropriate, any references in any law, executive order, or other document:

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

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

(c) Effective date. — The amendments to this section enacted in the year one thousand nine hundred ninety-one shall be retroactive and shall apply to taxable years beginning on or after the first day of January, one thousand nine hundred ninety, to the extent allowable under federal income tax law. With respect to taxable years that begin prior to the first day of January, one thousand nine hundred ninety, prior law shall be fully preserved.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Leck
Chairman Senate Committee

Ernest Moore
Chairman House Committee

Originated in the Senate.

In effect from passage.

Donald L. Kopp
Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within was approved this the day of , 1991.

Governor