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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

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

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.**

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

20 (b) *Effective date.* — The amendments to this section
21 enacted in the year one thousand nine hundred
22 ninety-one shall be retroactive and shall apply to
23 taxable years beginning on or after the first day of
24 January, one thousand nine hundred ninety, to the
25 extent allowable under federal income tax law. With
26 respect to taxable years that begin prior to the first
27 day of January, one thousand nine hundred ninety,
28 prior law shall be 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
5 by the context or by definition in this article. Any
6 reference in this article to the laws of the United
7 States shall mean the provisions of the Internal

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

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

31 (1) To the Internal Revenue Code of 1954 shall
32 include reference to the Internal Revenue Code of
33 1986; and

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

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

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

Lomer Luck
.....
Chairman Senate Committee

Ernest Moore
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

David E. Selma
.....
Clerk of the Senate

Donald L. Voss
.....
Clerk of the House of Delegates

Wall Smith
.....
President of the Senate

Bob Cole
.....
Speaker House of Delegates

The within is approved this the *15th*
day of *May*, 1991.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 2/25/91

Time 2:50 PM