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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999

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**ENROLLED**

## House Bill No. 3037

(By Delegates Ashley, Fleischauer, Leach,  
Compton, Warner, Pettit and Hall)

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Passed March 12, 1999

In Effect Ninety Days from Passage

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LEGISLATIVE DEPARTMENT  
STATE OF WEST VIRGINIA

## ENROLLED

# H. B. 3037

(BY DELEGATES ASHLEY, FLEISCHAUER, LEACH,  
COMPTON, WARNER, PETTIT AND HALL)

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[Passed March 12, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section ninety-three, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the personal income tax refund account; continuing a special account for the payment of income tax refunds; naming the account; providing that the account is administered by the tax commissioner; setting restrictions; and prescribing a minimum and a maximum balance for the fund.

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

That section ninety-three, article twenty-one, 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 21. PERSONAL INCOME TAX.

#### §11-21-93. Disposition of revenue.

- 1 Of the revenues collected under this article and subject to
- 2 the provisions of this section, the tax commissioner shall
- 3 determine the amount necessary for refunds to which taxpayers
- 4 shall be entitled under this article. The amount so determined
- 5 shall be deposited in the special account created in this section.

6       There is hereby continued in the state treasury an account,  
7       which is hereby named the "Special Income Tax Refund  
8       Reserve Fund." The special income tax refund reserve fund  
9       shall be administered by the secretary of administration. The  
10      purpose of this fund is to provide adequate cash resources for  
11      the timely payment of personal income tax refunds: *Provided*,  
12      That any other disbursements or transfers from this fund may  
13      be made only upon appropriation of the Legislature. The special  
14      income tax refund reserve fund may not be considered as a part  
15      of the general revenue of the state.

16      Transfers from this fund may be made solely for the  
17      purpose of paying personal income tax refunds, which shall be  
18      timely paid by the state tax commissioner at the direction of the  
19      secretary of the department of tax and revenue. For the pur-  
20      poses of this section, "timely" means not more than ninety days  
21      after the personal income tax return is filed.

22      The state treasurer shall, after reserving such refund fund,  
23      on or before the tenth day of each month, pay all interest,  
24      penalties and taxes collected under this article and remaining to  
25      his or her credit in banks, banking houses or trust companies at  
26      the close of business on the last day of the preceding month,  
27      into the general fund of the state.

28      The tax commissioner shall at all times maintain a balance  
29      in this account of not less than one third of one percent of the  
30      general fund appropriation for the immediately preceding fiscal  
31      year and not more than one percent of the general fund appro-  
32      priation for the immediately preceding fiscal year.

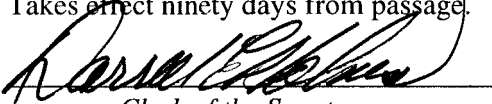
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

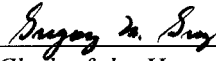
  
 Chairman Senate Committee


  
 Chairman House Committee

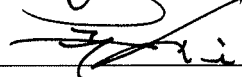
Originating in the House.

Takes effect ninety days from passage.

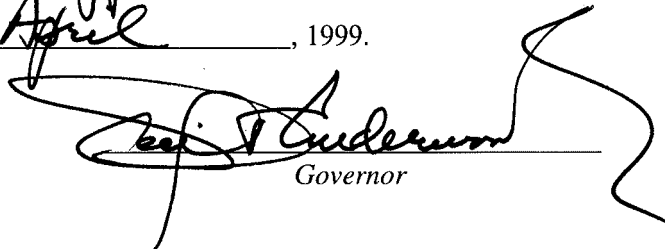
  
 Clerk of the Senate

  
 Clerk of the House of Delegates

  
 President of the Senate

  
 Speaker of the House of Delegates

The within disapproved this the 8th  
 day of April, 1999.

  
 Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 2:58 pm