WEST VIRGINIA LEGISLATURE  
FIRST REGULAR SESSION, 1999  

ENROLLED  

House Bill No. 3037  
(By Delegates Ashley, Fleischauer, Leach, Compton, Warner, Pettit and Hall)  

Passed March 12, 1999  
In Effect Ninety Days from Passage
ENROLLED

H. B. 3037

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

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

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.

Of the revenues collected under this article and subject to the provisions of this section, the tax commissioner shall determine the amount necessary for refunds to which taxpayers shall be entitled under this article. The amount so determined shall be deposited in the special account created in this section.
There is hereby continued in the state treasury an account, which is hereby named the "Special Income Tax Refund Reserve Fund." The special income tax refund reserve fund shall be administered by the secretary of administration. The purpose of this fund is to provide adequate cash resources for the timely payment of personal income tax refunds: Provided, That any other disbursements or transfers from this fund may be made only upon appropriation of the Legislature. The special income tax refund reserve fund may not be considered as a part of the general revenue of the state.

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

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

The tax commissioner shall at all times maintain a balance in this account of not less than one third of one percent of the general fund appropriation for the immediately preceding fiscal year and not more than one percent of the general fund appropriation for the immediately preceding fiscal year.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures: Chairman Senate Committee, Chairman House Committee]

Originating in the House.

Takes effect ninety days from passage.

[Signatures: Clerk of the Senate, Clerk of the House of Delegates]

[Signatures: President of the Senate, Speaker of the House of Delegates]

The within [disapproved] this the [ ] day of [April], 1999.

[Signature: Governor]