

FILED

2001 SEP 28 P 2:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Fifth Extraordinary Session

ENROLLED

SENATE BILL NO. 5001

(By Senators Tomblin, Mr. President, and Sprouse, by Request of the Executive)

PASSED September 15, 2001

In Effect from Passage

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Senate Bill No. 5001

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed September 15, 2001; in effect from passage.]

AN ACT to amend and reenact section twenty-one, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the property tax year for which the refundable personal income tax credit is first allowable for certain property taxes paid on a homestead by low-income senior citizens and permanently and totally disabled persons.

Be it enacted by the Legislature of West Virginia:

The section twenty-one, 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.

§11-21-21. Senior citizens' tax credit for property tax paid on first ten thousand dollars of taxable assessed value of a homestead in this state.

1 (a) *Allowance of credit.* – A low-income person who is
2 allowed a twenty thousand dollar homestead exemption
3 from the assessed value of his or her homestead for ad
4 valorem property tax purposes, as provided in section
5 three, article six-b of this chapter, shall be allowed a
6 refundable credit against the taxes imposed by this article
7 equal to the amount of ad valorem property taxes paid on
8 up to the first ten thousand dollars of taxable assessed
9 value of the homestead for property tax years that begin
10 on or after the first day of January, two thousand three.

11 (b) *Terms defined.* – For purposes of this section:

12 (1) “Low income” means federal adjusted gross income
13 for the taxable year that is one hundred fifty percent or
14 less of the federal poverty guideline for the year in which
15 property tax was paid, based upon the number of individu-
16 als in the family unit residing in the homestead, as deter-
17 mined annually by the United States secretary of health
18 and human services.

19 (2) “Taxes paid” means the aggregate of regular levies,
20 excess levies and bond levies extended against not more
21 than ten thousand dollars of the taxable assessed value of
22 a homestead that are paid during the calendar year
23 determined after application of any discount for early
24 payment of taxes but before application of any penalty or
25 interest for late payment of property taxes for a property
26 tax year that begins on or after the first day of January,
27 two thousand three.

28 (c) *Legislative rule.* – The tax commissioner shall
29 propose a legislative rule for promulgation as provided in
30 article three, chapter twenty-nine-a of this code to explain
31 and implement this section.

32 (d) *Confidentiality.* – The tax commissioner shall utilize
33 property tax information in the statewide electronic data
34 processing system network to the extent necessary for the

35 purpose of administering this section, notwithstanding any
36 provision of this code to the contrary.

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

Carly Murr
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Hobbes
.....
Clerk of the Senate

Bryan M. Barr
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *28th*
Day of *September*, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 9/24/01

Time 4:15 PM