WEST VIRGINIA LEGISLATURE
Second Extraordinary Session, 2006

ENROLLED

Senate Bill No. 2001

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

[Passed November 14, 2006; in effect ninety days from passage.]
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AN ACT to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to personal income taxes generally; increasing the amount of the senior citizens' and disabled persons' refundable personal income tax credit for certain ad valorem property taxes paid; and authorizing the Tax Commissioner to not provide a refund of the credit if the amount of the refund is less than ten dollars.

Be it enacted by the Legislature of West Virginia:

That §11-21-21 of the Code of West Virginia, 1931, 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; tax credit for property tax paid on first twenty thousand dollars of value for property tax years after December 31, 2006.

(a) Allowance of credit. —

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

(2) For tax years beginning on or after the first day of January, two thousand seven, a low-income person who is allowed a twenty thousand-dollar homestead exemption from the assessed value of his or her homestead for ad valorem property tax purposes, as provided in section three, article six-b of this chapter, shall be allowed a refundable credit against the taxes imposed by this article equal to the amount of ad valorem property taxes paid on up to the first twenty thousand dollars of taxable assessed value of the homestead for property tax years that begin on or after the first day of January, two thousand seven.

(3) Due to the administrative cost of processing, the refundable credit authorized by this section may not be refunded if less than ten dollars.
(4) The credit for each property tax year shall be claimed by filing a claim for refund within three years after the due date for the personal income tax return upon which the credit is first available.

(b) Terms defined. —

For purposes of this section:

(1) "Low income" means federal adjusted gross income for the taxable year that is one hundred fifty percent or less of the federal poverty guideline for the year in which property tax was paid, based upon the number of individuals in the family unit residing in the homestead, as determined annually by the United States Secretary of Health and Human Services.

(2) (A) For tax years beginning before the first day of January, two thousand seven, "taxes paid" means the aggregate of regular levies, excess levies and bond levies extended against not more than ten thousand dollars of the taxable assessed value of a homestead that are paid during the calendar year determined after application of any discount for early payment of taxes but before application of any penalty or interest for late payment of property taxes for a property tax year that begins on or after the first day of January, two thousand three, except as provided in paragraph (B) of this subdivision.

(B) For tax years beginning on or after the first day of January, two thousand seven, "taxes paid" means the aggregate of regular levies, excess levies and bond levies extended against not more than twenty thousand dollars of the taxable assessed value of a homestead that are paid during the calendar year determined after application of any discount for early payment of taxes but before application of any penalty or interest for late payment of property taxes for a property tax year that
begins on or after the first day of January, two thousand seven.

(c) Legislative rule. —

The Tax Commissioner shall propose a legislative rule for promulgation as provided in article three, chapter twenty-nine-a of this code to explain and implement this section.

(d) Confidentiality. —

The Tax Commissioner shall utilize property tax information in the statewide electronic data processing system network to the extent necessary for the purpose of administering this section, notwithstanding any provision of this code to the contrary.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandra White
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. Hollings
Clerk of the Senate

Clerk of the House of Delegates

Carl Ray Tomlin
President of the Senate

Speaker House of Delegates

The within bill approved this the 30th Day of November, 2006.

Governor