WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 609

(By Senators Helmick and Minard)

PASSED March 9, 2006

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 609

(BY SENATORS HELMICK AND MINARD)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and subjecting the refundable senior citizens' tax credit to a three-year statute of limitations for filing a claim for refund.

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.

1 (a) Allowance of credit. – 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: Provided, That 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) “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.

(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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 31st Day of May 2006.

Governor