WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2007

ENROLLED

Senate Bill No. 2001

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

[Passed August 21, 2007; to take effect from passage.]
Senate Bill No. 2001

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

[Passed August 21, 2007; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12h, relating to an additional modification decreasing federal adjusted gross income for West Virginia state personal income tax for certain toll expenses charged by the West Virginia Parkways, Economic Development and Tourism Authority; and requiring the reimbursement to the General Revenue Fund in the amount of personal income tax revenue not collected as a result of the additional modification.

Be it enacted by the Legislature of West Virginia:
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That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-21-12h, to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12h. Additional modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of parkways authority commuter (PAC) cards.

(a) For taxable years beginning on and after the first day of January, two thousand seven, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to subsection (c), section twelve of this article, any payment during the taxable year for amounts expended by an individual for tolls paid electronically through use of a West Virginia Parkways, Economic Development and Tourism Authority PAC card (parkways authority commuter card) account for noncommercial commuter passes for travel on toll roads in West Virginia, not including amounts paid as refundable transponder deposits or amounts reimbursed by an employer or otherwise, is an authorized modification reducing federal adjusted gross income, but only to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the payment is made. In the case of a single person, a head of household or a married couple filing a joint return, or a married person filing a separate return, this authorized modification reducing federal adjusted gross income shall apply only to the portion of the expended amount that equals or exceeds twenty-five dollars and the total amount deducted for
a taxable year shall not exceed one thousand two
hundred dollars. Any amount of qualified tolls paid and
eligible for this decreasing modification and not used in
the taxable year when paid shall carry forward for up to
three taxable years subsequent to the taxable year when
paid. Qualified toll payments not used by the end of the
carry forward period shall be forfeited.

(b) The Tax Commissioner annually, on or before the
thirty-first day of December of each calendar year,
beginning in two thousand eight, shall certify to the
West Virginia Parkways, Economic Development and
Tourism Authority: (i) The total dollar amount of tolls
deducted by individuals under this section on personal
income tax returns filed for the preceding taxable year
beginning with taxable year two thousand seven; and
(ii) the total dollar amount of personal income tax
revenue not collected through the date of such
certification solely as a result of such total toll
deductions for such taxable year.

(c) On or before the thirtieth day of June of the
following calendar year, beginning in two thousand
nine, the West Virginia Parkways, Economic
Development and Tourism Authority shall pay to the
Tax Commissioner an amount equal to such certified
total dollar amount of personal income tax revenue not
collected for the taxable year covered by such
certification: Provided, That the authority shall make
such payment solely from nontoll revenues (that is, from
revenues derived by the authority from sources other
than tolls charged for transit on the West Virginia
Turnpike) and only at such times and in such amounts
and installment payments as are permitted by covenants
and agreements of the authority under such bond
indentures and other bond agreements as are then applicable to such nontoll revenues: *Provided, however,*

That to the extent required to comply with such bond indentures and other bond agreements, the authority may defer the payment of all or a part of such amount beyond the thirtieth day of June of the following calendar year.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within装置ed this
the Day of 2007.

Governor