

OFFICE MEST WHEN A SECRETARY OF STATE

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

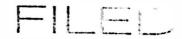
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# ENROLLED

# 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.]



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### 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.

1 (a) For taxable years beginning on and after the first 2 day of January, two thousand seven, in addition to 3 amounts authorized to be subtracted from federal adjusted gross income pursuant to subsection (c), 4 5 section twelve of this article, any payment during the taxable year for amounts expended by an individual for 6 7 tolls paid electronically through use of a West Virginia 8 Parkways, Economic Development and Tourism Authority PAC card (parkways authority commuter 9 10 card) account for noncommercial commuter passes for travel on toll roads in West Virginia, not including 11 amounts paid as refundable transponder deposits or 12 13 amounts reimbursed by an employer or otherwise, is an 14 authorized modification reducing federal adjusted gross income, but only to the extent the amount is not 15 16 allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable 17 year in which the payment is made. In the case of a 18 single person, a head of household or a married couple 19 20 filing a joint return, or a married person filing a 21 separate return, this authorized modification reducing 22 federal adjusted gross income shall apply only to the 23 portion of the expended amount that equals or exceeds 24 twenty-five dollars and the total amount deducted for

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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.

32 (b) The Tax Commissioner annually, on or before the 33 thirty-first day of December of each calendar year, 34 beginning in two thousand eight, shall certify to the 35 West Virginia Parkways, Economic Development and 36 Tourism Authority: (i) The total dollar amount of tolls 37 deducted by individuals under this section on personal 38 income tax returns filed for the preceding taxable year 39 beginning with taxable year two thousand seven; and 40 (ii) the total dollar amount of personal income tax 41 revenue not collected through the date of such certification solely as a result of such total toll 42 43 deductions for such taxable year.

44 (c) On or before the thirtieth day of June of the 45 following calendar year, beginning in two thousand 46 nine, the West Virginia Parkways, Economic 47 Development and Tourism Authority shall pay to the 48 Tax Commissioner an amount equal to such certified 49 total dollar amount of personal income tax revenue not 50 collected for the taxable year covered by such 51 certification: *Provided*, That the authority shall make 52 such payment solely from nontoll revenues (that is, from 53 revenues derived by the authority from sources other 54 than tolls charged for transit on the West Virginia 55 Turnpike) and only at such times and in such amounts and installment payments as are permitted by covenants 56 57 and agreements of the authority under such bond

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58 indentures and other bond agreements as are then

59 applicable to such nontoll revenues: *Provided, however*,

60 That to the extent required to comply with such bond

61 indentures and other bond agreements, the authority

62 may defer the payment of all or a part of such amount

63 beyond the thirtieth day of June of the following

64 calendar year.

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

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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

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