WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

SECOND ENROLLMENT

House Bill No. 4016

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]

Passed March 16, 2008

In Effect from Passage
(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)  
[BY REQUEST OF THE EXECUTIVE]

[Amended and again passed March 16, 2008, as a result of the objections of the Governor; in effect from passage.]

AN ACT to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Be it enacted by the Legislature of West Virginia:

That §11-21-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.


1 (a) Any term used in this article has the same meaning as when used in a comparable context in the laws of the United
States relating to income taxes, unless a different meaning is clearly required. Any reference in this article to the laws of the United States means the provisions of the Internal Revenue Code of 1986, as amended, and any other provisions of the laws of the United States that relate to the determination of income for federal income tax purposes. All amendments made to the laws of the United States after the thirty-first day of December, two thousand six, but prior to the fourteenth day of February, two thousand eight, shall be given effect in determining the taxes imposed by this article to the same extent those changes are allowed for federal income tax purposes, whether the changes are retroactive or prospective, but no amendment to the laws of the United States made on or after the fourteenth day of February, two thousand eight, shall be given any effect.

(b) **Medical savings accounts.** -- The term "taxable trust" does not include a medical savings account established pursuant to section twenty, article fifteen, chapter thirty-three of this code or section fifteen, article sixteen of said chapter. Employer contributions to a medical savings account established pursuant to said sections are not "wages" for purposes of withholding under section seventy-one of this article.

(c) **Surtax.** -- The term "surtax" means the twenty percent additional tax imposed on taxable withdrawals from a medical savings account under section twenty, article fifteen, chapter thirty-three of this code and the twenty percent additional tax imposed on taxable withdrawals from a medical savings account under section fifteen, article sixteen of said chapter which are collected by the Tax Commissioner as tax collected under this article.

(d) **Effective date.** -- The amendments to this section enacted in the year two thousand eight are retroactive to the
extent allowable under federal income tax law. With respect
to taxable years that began prior to the first day of January,
two thousand nine, the law in effect for each of those years
shall be fully preserved as to that year, except as provided in
this section.

(e) For purposes of the refundable credit allowed to a low
income senior citizen for property tax paid on his or her
homestead in this state, the term "laws of the United States"
as used in subsection (a) of this section means and includes
the term "low income" as defined in subsection (b), section
twenty-one of this article and as reflected in the poverty
guidelines updated periodically in the federal register by the
U.S. Department of Health and Human Services under the
authority of 42 U.S.C. §9902(2).
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 31st day of March, 2008.

Governor