

1 **ENROLLED**

2 **Senate Bill No. 183**

3 (BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,

4 BY REQUEST OF THE EXECUTIVE)

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6 [Passed April 9, 2013; in effect from passage.]
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10 AN ACT to amend and reenact §11-24-3 of the Code of West Virginia,
11 1931, as amended, relating to updating the meaning of "federal
12 taxable income" and certain other terms used in the West
13 Virginia Corporation Net Income Tax Act so the definitions
14 conform with the Internal Revenue Code's definitions; and
15 specifying effective dates.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §11-24-3 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 24. CORPORATION NET INCOME TAX.**

20 **§11-24-3. Meaning of terms; general rule.**

21 (a) Any term used in this article has the same meaning as when
22 used in a comparable context in the laws of the United States
23 relating to federal income taxes, unless a different meaning is

1 clearly required by the context or by definition in this article.
2 Any reference in this article to the laws of the United States
3 means the provisions of the Internal Revenue Code of 1986, as
4 amended, and any other provisions of the laws of the United States
5 that relate to the determination of income for federal income tax
6 purposes. All amendments made to the laws of the United States
7 after January 1, 2012, but prior to January 3, 2013, shall be given
8 effect in determining the taxes imposed by this article to the same
9 extent those changes are allowed for federal income tax purposes,
10 whether the changes are retroactive or prospective, but no
11 amendment to the laws of the United States made on or after January
12 3, 2013, shall be given any effect.

13 (b) The term "Internal Revenue Code of 1986" means the
14 Internal Revenue Code of the United States enacted by the federal
15 Tax Reform Act of 1986 and includes the provisions of law formerly
16 known as the Internal Revenue Code of 1954, as amended, and in
17 effect when the federal Tax Reform Act of 1986 was enacted that
18 were not amended or repealed by the federal Tax Reform Act of 1986.
19 Except when inappropriate, any reference in any law, executive
20 order or other document:

21 (1) To the Internal Revenue Code of 1954 includes a reference
22 to the Internal Revenue Code of 1986; and

23 (2) To the Internal Revenue Code of 1986 includes a reference

1 to the provisions of law formerly known as the Internal Revenue
2 Code of 1954.

3 (c) Effective date. - The amendments to this section enacted
4 in the year 2013 are retroactive to the extent allowable under
5 federal income tax law. With respect to taxable years that began
6 prior to January 1, 2014, the law in effect for each of those years
7 shall be fully preserved as to that year, except as provided in
8 this section.