

1 **Senate Bill No. 62**

2 (By Senators Sypolt, Barnes and Walters)

3 \_\_\_\_\_  
4 [Introduced February 13, 2013; referred to the Committee on the  
5 Judiciary; and then to the Committee on Finance.]

6 \_\_\_\_\_  
7 **FISCAL**  
8 **NOTE**

9  
10 A BILL to amend and reenact §11-21-21 of the Code of West Virginia,  
11 1931, as amended, relating to changing the qualifier for low  
12 income from one hundred fifty percent or less of the federal  
13 poverty guideline to three hundred percent or less of the  
14 federal poverty guideline for a senior citizens' homestead tax  
15 credit.

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

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

19 **ARTICLE 21. PERSONAL INCOME TAX.**

20 PART I. GENERAL.

21 **§11-21-21. Senior citizens' tax credit for property tax paid on**  
22 **first \$10,000 of taxable assessed value of a**

1           **homestead in this state; tax credit for property tax**  
2           **paid on the first \$20,000 of value for property tax**  
3           **years after December 31, 2006.**

4           (a) *Allowance of credit.* --

5           (1) A low-income person who is allowed a \$20,000 homestead  
6 exemption from the assessed value of his or her homestead for ad  
7 valorem property tax purposes, as provided in section three,  
8 article six-b of this chapter, ~~shall be~~ is allowed a refundable  
9 credit against the taxes imposed by this article equal to the  
10 amount of ad valorem property taxes paid on up to the first \$10,000  
11 of taxable assessed value of the homestead for property tax years  
12 that begin on or after January 1, 2003, except as provided in  
13 subdivision (2) of this subsection.

14           (2) For tax years beginning on or after January 1, 2007, a  
15 low-income person who is allowed a \$20,000 homestead exemption from  
16 the assessed value of his or her homestead for ad valorem property  
17 tax purposes, as provided in section three, article six-b of this  
18 chapter, ~~shall be~~ is allowed a refundable credit against the taxes  
19 imposed by this article equal to the amount of ad valorem property  
20 taxes paid on up to the first \$20,000 of taxable assessed value of  
21 the homestead for property tax years that begin on or after  
22 January 1, 2007. ~~—Provided, That~~ For tax years beginning on and

1 after January 1, 2009, ~~any~~ a person who is required to pay the  
2 federal alternative minimum income tax in the current tax year is  
3 disqualified from receiving any tax credit provided under this  
4 section.

5 (3) Due to the administrative cost of processing, the  
6 refundable credit authorized by this section may not be refunded if  
7 less than \$10.

8 (4) The credit for each property tax year ~~shall be~~ is claimed  
9 by filing a claim for refund within three years after the due date  
10 for the personal income tax return upon which the credit is first  
11 available.

12 (b) *Terms defined.* --

13 For purposes of this section:

14 (1) "Low income" means federal adjusted gross income for the  
15 taxable year that is one hundred fifty percent or less of the  
16 federal poverty guideline for the year in which property tax was  
17 paid, based upon the number of individuals in the family unit  
18 residing in the homestead, as determined annually by the United  
19 States Secretary of Health and Human Services. Beginning on or  
20 after July 1, 2013, "low income" means federal adjusted gross  
21 income for the taxable year that is three hundred percent or less  
22 of the federal poverty guideline for the year in which property tax  
23 was paid, based upon the number of individuals in the family unit

1 residing in the homestead, as determined annually by the United  
2 States Secretary of Health and Human Services.

3 (2) (A) For tax years beginning before January 1, 2007, "taxes  
4 paid" means the aggregate of regular levies, excess levies and bond  
5 levies extended against not more than \$10,000 of the taxable  
6 assessed value of a homestead that are paid during the calendar  
7 year determined after application of any discount for early payment  
8 of taxes but before application of any penalty or interest for late  
9 payment of property taxes for a property tax year that begins on or  
10 after January 1, 2003, except as provided in paragraph (B) of this  
11 subdivision.

12 (B) For tax years beginning on or after January 1, 2007,  
13 "taxes paid" means the aggregate of regular levies, excess levies  
14 and bond levies extended against not more than \$20,000 of the  
15 taxable assessed value of a homestead that are paid during the  
16 calendar year determined after application of any discount for  
17 early payment of taxes but before application of any penalty or  
18 interest for late payment of property taxes for a property tax year  
19 that begins on or after January 1, 2007.

20 (C) *Legislative rule.* --

21 The Tax Commissioner shall propose a legislative rule for  
22 promulgation as provided in article three, chapter twenty-nine-a of  
23 this code to explain and implement this section.

1 (d) *Confidentiality.* --

2 The Tax Commissioner shall ~~utilize~~ use property tax  
3 information in the statewide electronic data processing system  
4 network to the extent necessary for the purpose of administering  
5 this section, notwithstanding any provision of this code to the  
6 contrary.

NOTE: The purpose of this bill is to change the qualifier for low income to three hundred percent or less of the federal poverty guideline from one hundred fifty percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.