

SB 1008

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

1st EXTRAORDINARY Session, 2002



ENROLLED

SENATE BILL NO. 1008

(By Senator Tamblin, Mr. President, and Sprouse
By Request of the Executive)



PASSED March 17, 2002

In Effect from Passage

FILED

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Senate Bill No. 1008

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed March 17, 2002; in effect from passage.]

AN ACT to amend and reenact section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to updating the meaning of certain terms used in the West Virginia personal income tax act by bringing them into conformity with their meanings for federal income tax purposes; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

That section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-9. Meaning of terms.

1 (a) Any term used in this article has the same meaning
2 as when used in a comparable context in the laws of the
3 United States relating to income taxes, unless a different
4 meaning is clearly required. Any reference in this article
5 to the laws of the United States means the provisions of
6 the Internal Revenue Code of 1986, as amended, and any
7 other provisions of the laws of the United States that
8 relate to the determination of income for federal income
9 tax purposes. All amendments made to the laws of the
10 United States after the thirty-first day of December, two
11 thousand one, but prior to the fifteenth day of March, two
12 thousand two, shall be given effect in determining the
13 taxes imposed by this article to the same extent those
14 changes are allowed for federal income tax purposes,
15 whether the changes are retroactive or prospective, but no
16 amendment to the laws of the United States made on or
17 after the fifteenth day of March, two thousand two, shall
18 be given any effect.

19 (b) *Medical savings accounts.* – The term “taxable
20 trust” does not include a medical savings account estab-
21 lished pursuant to section twenty, article fifteen, chapter
22 thirty-three of this code or section fifteen, article sixteen
23 of said chapter. Employer contributions to a medical
24 savings account established pursuant to said sections are
25 not “wages” for purposes of withholding under section
26 seventy-one of this article.

27 (c) *Surtax.* – The term “surtax” means the twenty
28 percent additional tax imposed on taxable withdrawals
29 from a medical savings account under section twenty,
30 article fifteen, chapter thirty-three of this code and the
31 twenty percent additional tax imposed on taxable with-
32 draws from a medical savings account under section
33 fifteen, article sixteen of said chapter which are collected
34 by the tax commissioner as tax collected under this article.

35 (d) *Effective date.* – The amendments to this section
36 enacted in the year two thousand two are retroactive to
37 the extent allowable under federal income tax law. With

38 respect to taxable years that begin prior to the fifteenth
39 day of March, two thousand two, the law in effect for each
40 of those years shall be fully preserved as to that year,
41 except as provided in this section.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *2nd*
Day of *April*, 2002.
[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/02

Time 9:45am