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HB2372

FILED

2002 MAR 18 P 5:35

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 2372

(By Delegates Michael, Leach,  
Warner, Hall and Anderson)



Passed March 8, 2002

In Effect Ninety Days from Passage

FILED

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**E N R O L L E D**

**H. B. 2372**

(BY DELEGATES MICHAEL, LEACH,  
WARNER, HALL AND ANDERSON)

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[Passed March 8, 2002; in effect ninety days from passage.]

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AN ACT to amend and reenact section ninety-three, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying the procedures by which moneys are deposited into the fund reserved for the payment of income tax refunds; redesignating the fund as the personal income tax reserve fund; clarifying that the fund be administered by the secretary of administration; specifying purpose for which the moneys of the fund may be expended; clarifying legislative intent that the moneys of the fund are not part of the general revenue fund of the state treasury; and clarifying that amounts in the fund which exceed amounts needed for the purpose of the fund may be transferred by appropriation of the Legislature.

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

That section ninety-three, 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.**

**§11-21-93. Personal income tax reserve fund.**

1 (a) Of the revenue collected under this article the state  
2 treasurer shall credit the amount as the tax commissioner may  
3 determine to be necessary for refunds to which taxpayers shall  
4 be entitled under this article to the personal income tax reserve  
5 fund described in subsection (b) of this section. The state  
6 treasurer shall credit all remaining interest, penalties and taxes  
7 collected under this article to the general revenue fund of the  
8 state treasury.

9 (b) The fund established by the prior enactment of this  
10 section is hereby reestablished as an account in the state  
11 treasury designated the "personal income tax reserve fund."  
12 The fund shall be administered by the secretary of administra-  
13 tion and expended only for the purpose specified in subsection  
14 (c) of this section. Notwithstanding any provision of section  
15 two, article two, chapter twelve of this code to the contrary, the  
16 moneys of the fund are not part of the general revenue fund of  
17 the state treasury.

18 (c) The moneys of the personal income tax reserve fund  
19 must be expended to make timely refunds of moneys to which  
20 taxpayers may be entitled under this article as certified by the  
21 tax commissioner. Amounts in the fund which are found from  
22 time to time to exceed funds needed for the purposes set forth  
23 in this section may be transferred to other accounts or funds and  
24 redesignated for other purposes by appropriation of the Legisla-  
25 ture.

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

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Chairman Senate Committee

\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within is approved this the 18<sup>th</sup>  
day of March, 2002.

\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/02

Time 3:25p