

SB/14

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*



**ENROLLED**

SENATE BILL NO. 114

(By Senators Tomblin, Mr. President, and Sprouse  
*By Request of the Executive*)



PASSED February 22, 2002

In Effect from Passage

FILED

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**Senate Bill No. 114**

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

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[Passed February 22, 2002; in effect from passage.]

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AN ACT to amend and reenact section three, article twenty-four, 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 corporation net 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 three, article twenty-four, 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 24. CORPORATION NET INCOME TAX.**

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

- 1 (a) Any term used in this article has the same meaning as
- 2 when used in a comparable context in the laws of the

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

20 (b) The term "Internal Revenue Code of 1986" means the  
21 Internal Revenue Code of the United States enacted by the  
22 Federal Tax Reform Act of 1986 and includes the provi-  
23 sions of law formerly known as the Internal Revenue Code  
24 of 1954, as amended, and in effect when the Federal Tax  
25 Reform Act of 1986 was enacted that were not amended or  
26 repealed by the Federal Tax Reform Act of 1986. Except  
27 when inappropriate, any reference in any law, executive  
28 order or other document:

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

31 (2) To the Internal Revenue Code of 1986 includes a  
32 reference to the provisions of law formerly known as the  
33 Internal Revenue Code of 1954.

34 (c) *Effective date.* - The amendments to this section  
35 enacted in the year two thousand two are retroactive to  
36 the extent allowable under federal income tax law. With  
37 respect to taxable years that begin prior to the first day of  
38 January, two thousand one, the law in effect for each of

39 those years shall be fully preserved as to that year, except  
40 as provided in this section.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

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

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

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

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

The within *is* approved this the *14<sup>th</sup>*  
Day of *March*, 2002.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/1/02

Time

11:20a