



State Tax Department
of West Virginia

Charleston 25305

FILED

1985 MAY 15 AM 9:43

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ARCH A. MOORE, JR.
GOVERNOR

May 15, 1985

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Mr. Hechler:

On April 13, 1985, the West Virginia Legislature passed Senate Bill 399 and made it effective from passage.

This bill authorizes the State Tax Commissioner to promulgate the legislative rules filed in the State Register on September 28, 1984, and with modifications refiled on November 14, 1984 and March 21, 1985, relating to the corporation net income tax.

With this letter we submit for filing in the State Register the legislative rule promulgated in accordance with W. Va. Code §§ 64-2-11(10)(5)(b) [1985] and 29A-3-13 [1983]. As provided in W. Va. Code § 29A-3-13(b) [1983], this legislative rule takes effect on June 14, 1985, thirty (30) days after its filing in the State Register.

Very truly yours,

Michael E. Caryl
State Tax Commissioner

MEC/jms
Attachment



State Tax Department
of West Virginia

Charleston 25305

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1985 MAR 21 PM 3:14

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ARCH A. MOORE, JR.
GOVERNOR

March 20, 1985

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, WV 25305

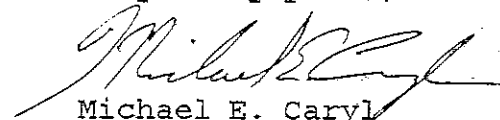
Dear Mr. Manchin:

Enclosed are two copies in final form of a replacement for page 67.9 of the proposed amendments to our corporation net income tax regulations, W. Va. Leg. Reg. (CNIT) 11-10 Ser. XXIV, §§ 16, 17, 17a, and 18, which were submitted to your office on September 28, 1984.

The changes to the proposed regulation which are set forth in this substitute page were made at the suggestion of the Legislative Rule-Making Review Committee.

Please remove page 67.9 from each of the sets of proposed corporation net income tax regulations which you currently have on file and replace it with the enclosed substitute pages.

Very truly yours,


Michael E. Cary
State Tax Commissioner

JMF/mms
Enclosures

cc: The Honorable Ralph D. Williams
The Honorable James M. Casey
Richard Hartman



State Tax Department
of West Virginia

ARCH A. MOORE, JR.
GOVERNOR

Charleston 25305

March 20, 1985

The Honorable Ralph D. Williams
The Honorable James M. Casey
Cochairmen
Legislative Rule-Making Review Committee
West Virginia Legislature
State Capitol Building
Charleston, West Virginia 25305

Re: Senate Bill 414 and House Bill 1597

Dear Messrs Chairman:

It has come to my attention that the Department has not submitted clarifying language for that presently on page 67.9 of the proposed amendments to our corporation net income tax regulations, W. Va. Leg. Reg. (CNIT) 11-10, Series XXIV, §§ 16, 17, 17a, and 18 which was requested by the Legislative Rule-Making Review Committee.

Attached is a replacement page for page 67.9, of the afore-mentioned regulations. This language has been approved by me and was filed today in the State Register.

If you have any questions about the new language, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael E. Caryl".

Michael E. Caryl
Tax Commissioner

MEC/dwsj

cc: The Honorable Jae Spears, Chairman
Senate Finance Committee

The Honorable George E. Farley, Chairman
House Finance Committee

(5) If the original declaration of estimated tax for the taxable year is less than eighty percent (80%) of the actual tax liability for the taxable year, the filing of an amended declaration of estimated tax with remaining installment payments being ratably increased will not necessarily bar application of interest and additions to tax with respect to any installment(s) paid prior to the filing of the amended declaration that were too low. See W. Va. Code § 11-24-17a; and § 17a.02 of these regulations prescribing how an underpayment of estimated tax is generally measured. If the original declaration of estimated tax was determined based upon the facts and circumstances existing at the time the original declaration was filed as well as those reasonably to be anticipated for the taxable year relating to prospective gross income, allowable deductions and allowable credits, and would have resulted in at least eighty percent (80%) of the tax for the year being prepaid in installment payments, then interest and additions to tax will not apply to installment payments made prior to the filing of the amended declaration of estimated tax for the taxable year. See Section 16.03(b) of these regulations relating to determination of estimated tax.

(6) No claim for refund of estimated tax may be filed until the day the annual return for the taxable year is filed showing an overpayment of estimated tax.

SENATE BILL NO. 414

(By Mr. R. Williams

[Introduced March 6, 1985referred to the Committee on Finance; then to the Committee
on the Judiciary]

10 A BILL to amend article two, chapter sixty-four of the code
11 of West Virginia, one thousand nine hundred thirty-one,
12 as amended, by adding thereto a new section, designated
13 section eleven (ten)(five), relating to authorizing the
14 state tax commissioner to promulgate legislative rules
15 relating to estimated corporation net income tax.

16 Be it enacted by the Legislature of West Virginia:

17 That article two, chapter sixty-four of the code of West
18 Virginia, one thousand nine hundred thirty-one, as amended,
19 be amended by adding thereto a new section, designated
20 section eleven (ten)(five), to read as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
22 LEGISLATIVE RULES.

23 §64-2-11(10)(5). State tax commissioner.

24 The legislative rules filed in the state register on the
25 twenty-eighth day of September, one thousand nine hundred
26 eighty-four, modified by the state tax commissioner to meet

1 the objections of the legislative rule-making review
2 committee and refiled in the state register on the
3 fourteenth day of November, one thousand nine hundred
4 eighty-four, relating to the state tax commissioner
5 (estimated corporation net income tax) are authorized.

6

7 NOTE: The purpose of this bill is to authorize the state
8 tax commissioner to promulgate legislative rules relating to
9 estimated corporation net income tax.

10 This section is new; therefore, strike-throughs and
11 underscoring have been omitted.

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H. B. 1597

(By Delegate Casey)

(Introduced March 6, 1985; referred to the

Committee on Finance with the direction that it)

later be referred to the Committee on the Judiciary.)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven (ten)(five), relating to authorizing the state tax commissioner to promulgate legislative rules relating to estimated corporation net income tax.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven (ten)(five), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-11(10)(5). State tax commissioner.

The legislative rules filed in the state register on the twenty-eighth day of September, one thousand nine hundred eighty-four, modified by the state tax commissioner to meet

1597

1 the objections of the legislative rule-making review
2 committee and refiled in the state register on the
3 fourteenth day of November, one thousand nine hundred
4 eighty-four, relating to the state tax commissioner
5 (estimated corporation net income tax) are authorized.

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7 NOTE: The purpose of this bill is to authorize the state
8 tax commissioner to promulgate legislative rules relating to
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10 This section is new; therefore, strike-throughs and
11 underscoring have been omitted.