2023 Special Session I

Budget Bill - HB6001 (Introduced)

2-23 Individual Income Tax Rebate

Item 3-5.28

§ 3-5.28 2-23 INDIVIDUAL INCOME TAX REBATE

A. There is hereby established in the State Treasury and on the books of the State Comptroller a special nonreverting fund known as the "2023 Individual Income Tax Rebate Fund". On or before October 1, 2023, the State Comptroller shall transfer an estimated $906,800,000 from the general fund to the 2023 Individual Income Tax Rebate Fund to issue refunds pursuant to paragraph B. The Governor, in consultation with the State Comptroller and the Tax Commissioner, shall certify to the General Assembly on or before December 1 any additional transfer amounts to the Fund necessary to issue refunds pursuant to paragraph B.

B. In addition to any refund due pursuant to § 58.1-309 of the Code of Virginia, and for taxable years beginning on and after January 1, 2022, but before January 1, 2023, an individual filing a return before on or before November 1, 2023, or married persons filing a joint return on or before November 1, 2023, shall be issued a refund out of the 2023 Individual Income Tax Rebate Fund in an amount up to $200 for an individual, or $400 for married persons filing a joint return. An individual shall only be allowed a refund pursuant to this enactment up to the amount of such individual's tax liability after the application of any deductions, subtractions, or credits to which the individual is entitled pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia. Married persons filing a joint return shall only be allowed a refund pursuant to this enactment up to the amount of such married persons' tax liability after the application of any deductions, subtractions, or credits to which the married persons are entitled pursuant to Chapter 3 of Title 58.1 of the Code of Virginia. Any refund issued pursuant to this enactment shall be subject to collection under the provisions of the Setoff Debt Collection Act (§ 58.1-520 et seq. of the Code of Virginia). For taxpayers filing a return before July 1, 2023, refunds due pursuant to this enactment shall be issued on or before November 30, 2023. In no case shall any interest be paid on any refund due pursuant to this enactment.

C. For purposes of determining the amounts required to be deposited to the Revenue Stabilization Fund pursuant to Article X, Section 8, Constitution of Virginia, the certified amounts for fiscal year 2023 shall include any amounts transferred from the general fund to the 2023 Individual Income Tax Rebate that will be used to provide refunds pursuant to paragraph B.

D. For the purposes of determining the amounts required to be deposited to the Revenue Reserve Fund pursuant to § 2.2-1831.3, Code of Virginia, and the amounts required to be deposited to the Water Quality Improvement Fund pursuant to § 10.1-2128, Code of Virginia, for fiscal year 2023, general fund revenue collections shall include any amounts transferred to the 2023 Individual Income Tax Rebate that will be used to provide refunds pursuant to paragraph B.