

Senate Bill No. 384

(By Senators Jenkins, Foster, Stollings, Beach, Kessler (Mr. President), Plymale and Klempa)

[Introduced January 23, 2012; referred to the Committee on Education; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-39, relating to nursing education faculty; defining terms; creating a tax credit to encourage nurse faculty to remain in West Virginia; and assigning powers and duties to the State Tax Department.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-27-39, to read as follows:

ARTICLE 27. HEALTH CARE PROVIDER TAXES.

§11-27-39. Retaining nursing education faculty with tax credit.

(a) As used in this section, the following words, unless the context clearly requires otherwise, have the following meanings:

1 (1) "Full-time nursing faculty member" means a faculty member
2 who is a nurse educator and is engaged in twelve hundred fifty
3 hours or more of teaching in a nursing program in an institution of
4 higher education located within the State of West Virginia.

5 (2) "Institution of higher education located within the State
6 of West Virginia" means both public and private educational
7 facilities that offer a nursing curriculum for students seeking to
8 become licensed as nursing professionals pursuant to section two,
9 article seven, chapter thirty of this code.

10 (b) There is hereby established a tax credit in the amount of
11 \$3500 per year for nurses employed as a full-time nurse faculty in
12 an institution of higher education located within the State of West
13 Virginia. The availability of the credit shall be subject to the
14 following terms and conditions:

15 (1) The tax credit is only available to nursing faculty
16 actively engaged in the practice of teaching during the tax year in
17 which it is granted.

18 (2) In no instance shall the tax credit be made available in
19 any full or pro-rated form to "adjunct faculty members" or other
20 part-time professors of nursing;

21 (3) The tax credit is not refundable and shall only be used to
22 offset or reduce a tax liability;

23 (4) Any amount of credit not deductible in that taxable year

1 may not be carried over to the following year;

2 (5) This credit may not be applied against the tax liability
3 until all other credits available to the taxpayer for the taxable
4 year have been applied.

5 (c) The Tax Commissioner shall make available suitable forms
6 with instructions for claiming the credit. The claim shall be in a
7 form that the Tax Commissioner may prescribe. The Tax Commissioner
8 may prescribe rules, not inconsistent with the law, to carry into
9 effect the provisions of this chapter.

10 (d) An affidavit attesting to the facts that create
11 eligibility for the tax credit shall be furnished by the claimant
12 taxpayer's employer to the State Tax Department upon the
13 department's request.

NOTE: The purpose of this bill is to retain nursing education
faculty with a tax credit.

§11-27-39 is new; therefore, strike-throughs and underscoring
have been omitted.