

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 263

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

[BY REQUEST OF THE EXECUTIVE]

[Introduced January 12, 2018; Referred
to the Committee on Finance]

1 A BILL to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended,
2 relating to the elimination of film tax credits; preserving rights to all previously issued film
3 tax credits; ceasing operations of the West Virginia Film Office; and transferring certain
4 duties of the West Virginia Film Office to the Division of Tourism.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13X. WEST VIRGINIA FILM INDUSTRY INVESTMENT ACT.

§11-13X-13. Effective date, elimination of film tax credits, preservation of film tax credits earned prior to the sunset date; cessation of the West Virginia Film Office.

1 (a) The credit allowed by this article shall be allowed upon eligible expenditures occurring
2 after December 31, 2007.

3 (b) The amendments to this article enacted in the year 2009 shall apply to all taxable years
4 beginning after December 31, 2007, and shall apply with retroactive effect with relation to taxable
5 years beginning prior to the date of passage of such amendments.

6 (c) No tax credits authorized under this article shall be issued following the effective date
7 of legislation establishing this subsection, subsection (d), and subsection (e) in the year 2018.
8 Notwithstanding any provision of this article to the contrary, no entitlement to any tax credit under
9 this article may result from, and no credit is available to any person for, expenditures incurred
10 following the effective date of this subsection.

11 (d) Notwithstanding the provisions of subsection (c) of this section, film tax credits to which
12 a taxpayer has gained lawful entitlement prior to the effective date of this subsection, may
13 continue to be applied against tax liabilities, subject to the conditions, limitations, and constraints
14 applicable to such credit under this article, until exhausted or otherwise terminated in accordance
15 with the terms of this article and this code. Film tax credits to which a taxpayer has gained lawful
16 entitlement prior to the effective date of this subsection may be transferred in accordance with
17 §11-13X-8 of this code, subject to the conditions, limitations, and constraints applicable to such
18 credit under this article, until exhausted or otherwise terminated in accordance with the terms of

19 this article and this code.

20 (e) Effective July 1, 2018, all operations of the West Virginia Film Office shall cease. To

21 the extent necessary to settle, finalize, and conclude business relating to outstanding film tax

22 credits issued prior to the effective date of the bill, the Division of Tourism is hereby authorized to

23 administer such duties for that limited purpose.

NOTE: The purpose of this bill is to provide a date after which no further Film Tax Credits will be issued, while allowing tax credits issued prior to a certain date to be grandfathered, and winding up the operations of the WV Film Office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.