

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Senate Bill 263

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

[BY REQUEST OF THE EXECUTIVE]

[Passed January 26, 2018; in effect from passage]

1 AN ACT 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, §11-13X-13(d), and §11-13X-13(e) of this code in the
8 year 2018. Notwithstanding any provision of this article to the contrary, no entitlement to any tax
9 credit under this article may result from, and no credit is available to any person for, expenditures
10 incurred following the effective date of this subsection.

11 (d) Notwithstanding the provisions of §11-13X-13(c) of this code, 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.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor