

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 477

BY SENATORS SMITH, BOSO, CLEMENTS, JEFFRIES,

SWOPE, SYPOLT, AND CLINE

[Originating in the Committee on Finance; Reported

on February 16, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §11-13EE-1, relating to the creation of a five-year sunset on all tax credits
3 established by the same chapter.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13EE. TAX CREDIT SUNSET.

§11-13EE-1. Sunset provision in tax credits.

1 (a) Any new tax credit created pursuant to chapter 11 of this code shall include a sunset
2 provision terminating the credit after five years: *Provided*, That if a different sunset or termination
3 provision exists in the statute creating the tax credit, the enabling statute's provision controls.

4 (b) Any tax credit in existence prior to the effective date of this section, that is amended
5 after the effective date of this section, shall include a sunset provision as part of the amendment
6 setting forth a termination date of five years for the existing tax credit: *Provided*, That if a different
7 sunset or termination provision exists in the statute creating the tax credit, the enabling statute's
8 provision controls.

9 (c) The existence of a sunset provision terminating a tax credit does not preclude the
10 repeal of the tax credit or tax incentive by the Legislature prior to the expiration of the sunset
11 provision.

NOTE: The purpose of this bill is to create a five-year sunset on all tax credits created under chapter 11 of the West Virginia Code.

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