

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 48**

BY SENATOR SMITH

[Introduced January 9, 2019; Referred  
to the Committee on Finance]

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 and  
 3 tax incentives 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 and tax incentive laws.**

1 (a) Any new tax credit or tax incentive law created pursuant to §11-13EE-1 of this code,  
 2 shall include a sunset provision terminating the credit or incentive after five years: *Provided*, That  
 3 if a different sunset or termination provision exists in the statute creating the tax credit or incentive,  
 4 the enabling statute’s provision controls.

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

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