

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2340

**FISCAL
NOTE**

BY DELEGATE ROHRBACH AND LOVEJOY

[Introduced January 11, 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 section,
 2 designated §11-21-97, relating to providing an earned income tax credit against the
 3 personal income tax.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-97. West Virginia Earned Income Tax Credit.

1 (a) For tax years that begin after December 31, 2018, a taxpayer may credit against the
 2 tax imposed by this article an amount equal to 15 percent of the credit the taxpayer is allowed to
 3 claim as a credit under Section 32 of the Internal Revenue Code for a tax year on a return filed
 4 under this article for the same tax year.

5 (b) If the credit allowed by this section exceeds the tax liability of the taxpayer for the tax
 6 year, the Tax Commissioner shall refund the excess to the taxpayer without interest. The funds
 7 to pay for the refund portion of this section shall be appropriated from the Temporary Assistance
 8 for Needy Families Fund.

9 (c) Any taxpayer who qualifies for the tax credit provided by this section and the “low-
 10 income family tax credit” as provided in §11-21-22 of this code may apply for both.

11 (d) The Tax Commissioner and the Secretary of the Department of Health and Human
 12 Resources shall propose legislative rules as provided in §29A-3-1 et seq. of this code to
 13 implement this section.

NOTE: The purpose of this bill is to provide an earned income tax credit against the personal income tax.

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