

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 532

BY SENATOR TARR

[Introduced March 2, 2021; 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 §11-10-5ee, relating to limitations on claiming state tax credits and rebates;
3 and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. WEST VIRGINIA TAX PROCEDURE AND ADMINISTRATION ACT.

§11-10-5ee. Limitations on claiming credits and rebates; rulemaking.

1 (a) No capital investment used to qualify for a state tax credit or rebate can be used to
2 qualify for any additional state tax credit or rebate, unless permission to do so has been
3 specifically set forth in the provisions of this code establishing the relevant state tax credits or
4 rebates.

5 (b) If the provisions of subsection (a) of this section are violated, the State Tax
6 Commissioner shall allow only one of the credits or rebates based upon the following criteria:

7 (1) The Tax Commissioner shall allow the credit or rebate that has previously been granted
8 based upon the capital investment in question; or

9 (2) If no credit or rebate based upon the capital investment in question has previously
10 been granted, the Tax Commissioner shall allow the credit or rebate that is least favorable to the
11 taxpayer, and deny the additional credits and rebates for which the capital investment was
12 claimed.

13 (c) When a liability occurs based upon subsection (b) of this section, the following
14 provisions shall apply:

15 (1) An assessment shall be issued in accordance with the provisions of §11-10-7 of this
16 code;

17 (2) Interest shall be charged in accordance with the provisions of §11-10-17 of this code;
18 and

19 (3) Additions to tax shall be charged in accordance with the provisions of §11-10-18 of this
20 code.

21 (d) The provisions of this section are effective for capital investments made on or after
22 January 1, 2022.

23 (e) The State Tax Commissioner has the authority to draft emergency, interpretive,
24 procedural, or legislative rules at his or her discretion to administer and carry out the provisions
25 of this section.