

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4784

By Delegates Burkhammer, Moore, Maynor, Kyle, B.
Smith, Cooper, D. Smith, Vance, Dean, Drennan, and
Hornby

[Originating in the Committee on Government
Organization; Reported on February 9, 2026]

1 A BILL to amend and reenact §11-24-6b of the Code of West Virginia, 1931, as amended, relating
2 to extending Qualified Opportunity Zones until July 1, 2032.

Be it enacted by the Legislature of West Virginia:

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-6b. Decreasing modification reducing federal taxable income for the income of

Qualified Opportunity Zone Businesses; effective date.

1 (a) *General.* — In addition to the amounts authorized to be subtracted from federal taxable
2 income pursuant to §11-24-6(c) of this code, there shall be subtracted from federal taxable
3 income, an amount equal to net income included in federal taxable income by a corporate
4 taxpayer in a taxable year that is ordinary income derived from a qualified opportunity zone
5 business located in a qualified opportunity zone located in West Virginia.

6 (b) *Eligibility.* — To be entitled to modification provided for in subsection (a), the qualified
7 opportunity zone business must be a newly registered business in West Virginia registered on or
8 after January 1, 2019 and before ~~January 1, 2024~~ July 1, 2032. Limited liability companies that are
9 treated as corporations for purposes of the federal income tax and West Virginia corporation net
10 income tax and which otherwise qualify in accordance with the requirements and limitations of this
11 section may qualify for the modification authorized under this section.

12 (c) *Duration.* — The modification provided for in subsection (a) of this section shall apply
13 with respect to a taxpayer during the 10-year period beginning with the first full taxable year during
14 which the qualified opportunity zone business first qualifies as a qualified opportunity zone
15 business, or the first year in which the qualified opportunity zone business reports net income:
16 *Provided*, That the qualified opportunity zone business first qualifies as such on or after January 1,
17 2019.

18 (d) The following definitions apply to this section:

19 (1) "Newly registered business" means a business that is formed on or after January 1,
20 2019 and before ~~January 1, 2024~~ July 1, 2032, that is first required to obtain a business

21 registration certificate under §11-12-1 *et seq.* of this code from the Tax Commissioner on or after
22 January 1, 2019 and before ~~January 1, 2024~~ July 1, 2032, and which is not the reorganization of a
23 business that existed prior to January 1, 2019.

24 (2) "Reorganization of an existing business" includes, but is not limited to, a change in the
25 name of a business, a change in the form of doing business such as, but not limited to, a
26 proprietorship that reorganizes as a partnership or other business entity, a subsidiary that
27 becomes a stand-alone business entity, a division of an existing business that becomes a
28 separate business and any other similar type of business reorganization. For purposes of this
29 definition any entity or organization that is determined by the Tax Commissioner to be an alter ego,
30 nominee or instrumentality of an existing or previously existing business, as determined in
31 accordance with the criteria specified in §11-12-5 of this code is a business resulting from
32 reorganization of an existing business.

33 (3) "Qualified Opportunity Zone Business" means Qualified Opportunity Zone Business as
34 that term is defined in Section 1400Z-2 of the Internal Revenue Code.

35 (4) "Qualified Opportunity Zone" means Qualified Opportunity Zone as that term is defined
36 in Section 1400Z-1 of the Internal Revenue Code.

37 (e) *Rules.* — The Tax Commissioner may propose legislative rules, or promulgate
38 interpretive or procedural rules, as the commissioner deems necessary to carry out the provisions
39 of this section and to provide guidelines and requirements to ensure uniform administrative
40 practices statewide to effect the intent of this section. All rules shall be promulgated in accordance
41 with the provisions of §29A-3-1 *et seq.* of this code.

42 (f) *Effective date; expiration of modification, preservation of entitlement.* — The
43 modification authorized by this section becomes effective and is authorized for taxable years
44 beginning on and after January 1, 2019: *Provided*, That unless sooner terminated by law, the
45 modification authorized by this section will terminate for taxable years beginning on and after
46 ~~January 1, 2024~~ July 1, 2032, and no new entitlement to the modification is authorized thereafter;

47 *Provided however*, That those taxpayers shall retain that entitlement for the remainder of the 10-
48 year application period over which the original entitlement applies, if the Taxpayer otherwise
49 remains in compliance with the requirements of this section.

NOTE: The purpose of this bill is to extend Qualified Opportunity Zones until July 1, 2032.

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