

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5519

By Delegate Anders

[Introduced; referred
to the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §11-21-98, relating to creating the "West Virginia Tax Neutrality Act;"; removing
 3 gains and losses from a taxpayer's federal adjusted gross income or federal taxable
 4 income.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. SOUND MONEY TAX NEUTRALITY ACT.

§11-21-98. Removing capital gains and losses from a taxpayer's federal adjusted gross income or federal taxable income.

1 (a) As used in this section:

2 (1) "Capital gain transaction" means a transaction that results in a:

3 (i) Short-term capital gain; or

4 (ii) Long-term capital gain.

5 (2) "Long-term capital gain" is as defined in Section 1222, Internal Revenue Code.

6 (3) "Short-term capital gain" is as defined in Section 1222, Internal Revenue Code.

7 (b) Individuals, corporations, and fiduciaries must add to the federal adjusted gross income
 8 or federal taxable income any net capital loss from the sale or exchange of investment metal
 9 bullion and investment coins, as defined in § 11-15-9r(b) and (c), to the extent included in federal
 10 adjusted gross income or federal taxable income.

11 (c) Individuals, corporations, and fiduciaries must subtract from federal adjusted gross
 12 income or federal taxable income any net capital gain from the sale or exchange of investment
 13 metal bullion and investment coins, as defined in § 11-15-9r(b) and (c), to the extent included in
 14 federal adjusted gross income or federal taxable income.

15 (d) This act is effective upon enactment.

NOTE: The purpose of this bill is to create the West Virginia Tax Neutrality Act.

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