

1 **H. B. 4403**

2
3 (By Delegates Marcum, White, Eldridge, Tomblin,
4 Barker, R. Phillips, Campbell, L. Phillips,
5 Moore, D. Poling and Shott)

6 [Introduced February 4, 2014; referred to the
7 Committee on Small Business, Entrepreneurship and
8 Economic Development then Finance.]

**FISCAL
NOTE**

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §11-24-22b, relating
12 to creating a tax credit for certain businesses that locate
13 within a twenty-mile radius of a Hatfield-McCoy recreation
14 area trail head and in the same county of that trail head;
15 establishing variable amounts of credit; providing that the
16 credit lasts for ten years; defining a term; and providing
17 rule-making authority.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new section, designated §11-24-22b, to read as
21 follows:

22 **ARTICLE 24. CORPORATION NET INCOME TAX.**

23 **§11-24-22b. Tax credit for businesses located near the**
24 **Hatfield-McCoy recreation area.**

1 (a) Effective for taxable years beginning July 1, 2014,
2 notwithstanding any provisions of this code to the contrary, any
3 new business located within a twenty-mile radius of a trail head
4 center associated with the Hatfield-McCoy recreation area, and in
5 the same county as that trail head, that is engaged in providing
6 goods or services used primarily for the benefit of visitors to and
7 users of the recreation area are allowed a credit against the tax
8 imposed by this article for a period of ten years from the date the
9 business becomes subject to this article. Examples of businesses
10 eligible for the credit include, but are not limited to, hotels,
11 restaurants, grocery stores and outfitters.

12 (b) For purposes of this section, the allowable tax credit is
13 as follows:

14 (1) Businesses that employ up to five full-time, new employees
15 are allowed a tax credit of \$10,000;

16 (2) Businesses that employ between six and twelve full-time,
17 new employees are allowed a tax credit of \$20,000;

18 (3) Businesses that employ between thirteen and twenty-five
19 full-time, new employees are allowed a tax credit of \$25,000;

20 (4) Businesses that employ between twenty-six and fifty
21 full-time, new employees are allowed a tax credit of \$30,000; and

22 (5) Businesses that employ more than fifty full-time, new
23 employees are allowed a tax credit of \$35,000.

24 (c) For purposes of this section, "full-time employee" means

1 an individual who works a minimum of thirty-five hours per week.

2 (d) The Tax Commissioner may propose rules for promulgation in

3 accordance with article three, chapter twenty-nine-a of this code

4 as necessary to effectuate the purposes of this article.

NOTE: The purpose of this bill is to creating a tax credit for certain businesses that locate within a twenty mile radius of a Hatfield-McCoy recreation area trail head and in the same county as that trail head. The bill establishes variable amounts of the credit. The bill provides that the credit lasts for ten years. The bill defines a term. The bill provides rule-making authority.

This section is new; therefore, it has been completely underscored.