WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2326

BY DELEGATES ROHRBACH, STATLER, PUSHKIN,

FLEISCHAUER, BALDWIN, LOVEJOY AND SYPOLT

[Introduced February 10, 2017; 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:

1   That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new

2   section, designated §11-21-97, to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

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

1   (a) For tax years that begin after December 31, 2017, a taxpayer may credit against the

2   tax imposed by this article an amount equal to fifteen percent of the credit the taxpayer is allowed

3   to 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 act shall be appropriated from the Temporary Assistance for

8   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 section twenty-two of this article 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 article three, chapter twenty-nine-a of

13   this code to explain and 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.