

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2201**

BY DELEGATE SPONAUGLE AND ELLINGTON

[Introduced January 10, 2019; Referred  
to the Committee on Finance.]

1 A BILL to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating  
2 to personal income taxes; and making the personal exemptions for purposes of West  
3 Virginia's personal income tax the same as allowed for federal income tax purposes.

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

## **ARTICLE 21. PERSONAL INCOME TAX.**

### **§11-21-16. West Virginia personal exemptions of resident individual.**

1 ~~(a) General.~~ -- For any tax imposed under the provisions of this article with respect to any  
2 taxable year prior to January 1, 1983, a resident individual shall be allowed a West Virginia  
3 exemption of \$600 for each exemption for which he is entitled to a deduction for the taxable year  
4 for federal income tax purposes. With respect to any taxable year beginning on or after January  
5 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable  
6 year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any  
7 taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000.

8 ~~(b) Husband and wife.~~ -- If the West Virginia income taxes of a husband and wife are  
9 separately determined but their federal income tax is determined on a joint return, each of them  
10 shall be separately entitled, with respect to any taxable year prior to January 1, 1983, to a West  
11 Virginia exemption of \$600 for each federal exemption to which he or she would be separately  
12 entitled for the taxable year if their federal income taxes had been determined on separate returns.  
13 With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1,  
14 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January  
15 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after  
16 January 1, 1987, said exemption shall be \$2,000.

17 ~~(c) Surviving spouse.~~ -- For taxable years beginning after December 31, 1986, a surviving  
18 spouse shall be allowed one additional exemption of \$2,000 for the two taxable years beginning  
19 after the year of death of the deceased spouse.

20 ~~For purposes of this section and section twelve of this article, a surviving spouse means~~  
21 ~~a taxpayer whose spouse died during the taxable year prior to the taxable year for which the~~  
22 ~~annual return is being filed and who has not remarried at any time before the end of the taxable~~  
23 ~~year for which the annual return is being filed.~~

24 ~~(d) *Certain dependents.* -- Notwithstanding any provisions in this section, for taxable years~~  
25 ~~beginning after December 31, 1986, a resident individual whose exemption amount for federal~~  
26 ~~tax purposes is zero by virtue of section 151(d)(2) of the Internal Revenue Code of 1986, shall be~~  
27 ~~allowed a single West Virginia exemption in the amount of \$500~~

28 (a) For taxable years beginning after December 31, 2018:

29 (1) A resident individual is allowed a West Virginia exemption for each exemption for which  
30 the individual is entitled for federal income tax purposes. The amount of the exemption or  
31 exemptions is the same amount allowed for federal income tax purposes.

32 (2) If the West Virginia income taxes of a husband and wife are determined on a joint  
33 return and their federal income tax is determined on a joint return, the amount of the exemption  
34 or exemptions is the same amount allowed for federal income tax purposes.

35 (3) If the West Virginia income taxes of a husband and wife are separately determined but  
36 their federal income tax is determined on a joint return, each of them shall be separately entitled  
37 to 50 percent of the amount claimed for federal income tax purposes.

NOTE: The purpose of this bill is to make the personal exemptions of residents for purposes of West Virginia's personal income tax the same as allowed for federal income tax purposes.

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