

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2371**

BY DELEGATE MCGEEHAN

[Introduced January 14, 2019; Referred  
to the Committee on Finance.]

1 A BILL to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating  
2 to abolishing the personal income tax.

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

**ARTICLE 21. PERSONAL INCOME TAX.**

**§11-21-3. Imposition of tax; persons subject to tax.**

1 (a) Notwithstanding any other provision of this code to the contrary, for tax years beginning  
2 after December 31, 2019, the tax imposed by this section is abolished.

3 ~~(a)~~ (b) *Imposition of tax.*

4 (1) *Primary tax.* -- A tax determined in accordance with the rates hereinafter set forth in  
5 this article is hereby imposed for each taxable year on the West Virginia taxable income of every  
6 individual, estate and trust.

7 (2) *Minimum tax.* -- In addition to the primary tax imposed by this section, there is imposed  
8 a minimum tax, which shall be the excess, if any, by which an amount equal to twenty-five percent  
9 of any federal minimum tax or alternative minimum tax for the taxable year exceeds the primary  
10 tax imposed by this section for the taxable year.

11 (3) *Effective date.* -- The minimum tax herein imposed and made effective on and after  
12 April 1, 1983, shall expire, be nullified and of no further force or effect whatsoever for tax years  
13 beginning on and after January 1, 2010.

14 ~~(b)~~ (c) *Partners and partnerships.* -- A partnership as such shall not be subject to tax under  
15 this article. Persons carrying on business as partners shall be liable for tax under this article only  
16 in their separate or individual capacities.

17 ~~(c)~~ (d) *Associations taxable as corporations.* -- An association, trust or other  
18 unincorporated organization which is taxable as a corporation for federal income tax purposes,  
19 shall not be subject to tax under this article.

20 ~~(d)~~ (e) *Exempt trusts and organizations.* -- A trust or other unincorporated organization  
21 which by reason of its purposes or activities is exempt from federal income tax shall be exempt

22 from tax under this article (regardless of whether subject to federal income tax on unrelated  
23 business taxable income).

24 ~~(e)~~ (f) *Cross references.* -- For definitions of West Virginia taxable income of:

25 (1) Resident individual, see §11-21-7 of this code.

26 (2) Resident estate or trust, see §11-21-18 of this code.

27 (3) Nonresident individual, see §11-21-30 of this code.

28 (4) Nonresident estate or trust, see §11-21-38 of this code.

NOTE: The purpose of this bill is to abolish 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.