

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

### **House Bill 2149**

**FISCAL  
NOTE**

BY DELEGATES LOVEJOY, LINVILLE, HANSEN AND BOGGS

[Introduced January 9, 2019; Referred  
to the Committee on Agriculture and Natural  
Resources then Finance.]

1 A BILL to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended,  
2 relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 100 percent  
3 of the value of the donated edible agricultural products when the value is \$2,500 or less.

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

## **ARTICLE 13DD. WEST VIRGINIA FARM-TO-FOOD BANK TAX CREDIT.**

### **§11-13DD-3. Amount of credit; limitation of credit.**

1 (a) There is allowed to farming taxpayers who make donations of edible agricultural  
2 products to one or more nonprofit food programs in this state, a credit against taxes imposed by  
3 §11-21-1 *et seq.* and §11-24-1 *et seq.* of this code in the amount set forth in ~~subsection (b)~~ of this  
4 section.

5 (b) The amount of the credit is equal to ~~ten~~ 100 percent of the value of the donated edible  
6 agricultural products, but not to exceed \$2,500 during a taxable year or the total amount of tax  
7 imposed by §11-21-1 *et seq.* or §11-24-1 *et seq.* of this code, whichever is less, in the year of  
8 donations.

9 (c) If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the  
10 amount which exceeds the tax liability may be carried over and applied as a credit against the tax  
11 liability of the taxpayer pursuant to §11-21-1 *et seq.* or §11-24-1 *et seq.* of this code to each of  
12 the next four taxable years unless sooner used.

13 (d) No more than \$200,000 of tax credits may be allocated ~~to~~ by the department in any  
14 fiscal year. The department shall allocate the tax credits in the order the donation forms are  
15 received.

NOTE: The purpose of this bill is to allow the Farm-To-Food Bank Tax Credit to equal 100 percent of the value of the donated edible agricultural products when the value is \$2,500 or less.

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