

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4027

FISCAL
NOTE

BY DELEGATE LOVEJOY

[Introduced January 12, 2022; 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; raising the limit on the tax credit from
 3 \$2,500 to \$5,000; and providing that the credit apply retroactively to January 1, 2022.

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 this section.

4 (b) The amount of the credit is equal to 30 percent of the value of the donated edible
 5 agricultural products, but not to exceed ~~\$2,500~~ \$5,000 during a taxable year or the total amount
 6 of tax imposed by §11-21-1 *et seq.* or §11-24-1 *et seq.* of this code, whichever is less, in the year
 7 of donations.

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

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

15 (e) It is the intent of the Legislature in enacting the amendments to this section during the
 16 2022 regular session of the Legislature that the amendments be applied retroactively to apply to
 17 any donations of qualifying edible agricultural products to one or more nonprofit food programs in
 18 this State made on or after January 1, 2022.

NOTE: The purpose of this bill is to raise the limit on the Farm-To-Food Bank Tax Credit

from \$2,500 to \$5,000 and provide that the credit apply retroactively to January 1, 2022

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