

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2183**

By Delegate Skaff

[Introduced January 11, 2023; Referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-  
 3 13MM-6, and, §11-13MM-7, all relating generally to creating a personal income tax credit  
 4 for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for  
 5 personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a  
 6 single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns  
 7 jointly under certain conditions; providing that the tax credit for nurses must be used in the  
 8 taxable year and cannot be carried forward; providing for documentation of eligibility for the  
 9 tax credit; providing for required contents of the documentation evidencing eligibility for the  
 10 tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax  
 11 credit; providing for rule-making authority; providing for reporting at certain time; and  
 12 providing for an effective date.

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

**ARTICLE 13MM. WEST VIRGINIA NURSE TAX CREDIT ACT.**

**§11-13MM-1. Findings and Purpose.**

1 The Legislature finds that it is an important public policy to encourage participation in  
 2 nursing by providing tax credits for those who provide vital service to their community in the field of  
 3 nursing.

**§11-13MM-2. Definition.**

1 "Nurse" means a professional who is educated, trained, and licensed under §30-7-1 et  
 2 seq. and §30-7A-1 et seq. of this code, and who is engaged in the practice of nursing in the state.  
 3 A nurse within the meaning of this article receives compensation for the performance of services  
 4 that require substantial specialized judgment and skill based on knowledge and application of  
 5 principles of nursing derived from the biological, physical, and social sciences.

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

1 (a) There is allowed to eligible nurses in this state a credit against taxes imposed by §11-

2 21-1 et seq. of this code in the amount set forth in subsection (b) of this section.

3 (b) The amount of the credit is \$5,000 during a taxable year or the total amount of tax  
4 imposed by §11-21-1 et seq. of this code in the year of active membership. If both taxpayers filing a  
5 joint tax return are eligible for the credit authorized by this article, the amount of the credit is  
6 \$10,000, or \$5,000 for each eligible taxpayer, during a taxable year or the total amount of tax  
7 imposed by §11-21-1 et seq. of this code in the year of active membership.

8 (c) If the amount of the credit authorized by this article is unused in any tax year, it may not  
9 be applied to any other tax year.

**§11-13MM-4. Qualification for credit.**

1 The nurse shall obtain certification from his or her employer to demonstrate that the nurse  
2 has been employed for the entire year or, if for a shorter time, the actual time employed. The nurse  
3 shall submit to the commission documentation from his or her employer or employers  
4 demonstrating the term of months employed as a nurse and the tax credit will be proportional to  
5 the time period of full-time employment as a nurse. If the nurse has been employed on a part-time  
6 basis or for only a portion of the tax year within the state, the credit shall be proportionally allocated  
7 accordingly.

**§11-13MM-5. Legislative rules.**

1 (a) The Tax Commissioner may propose rules for legislative approval in accordance with  
2 the provision of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of this  
3 article.

**§11-13MM-6. Tax credit review report.**

1 Beginning on the first day of the second taxable year after the passage of this article and  
2 every two years thereafter, the commission shall submit to the Governor, the President of the  
3 Senate, and the Speaker of the House of Delegates a tax credit review and accountability report  
4 evaluating the cost effectiveness of the tax credit and donations during the most recent two-year  
5 period for which information is available.

**§11-13MM-7. Effective date.**

1           The credit allowed by this article shall be allowed for nurses after December 31, 2023.

NOTE: The purpose of this bill is to provide for a \$5,000 tax credit for nurses to West Virginia personal income tax liabilities.

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