

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2313

FISCAL
NOTE

By Delegate Keaton

[Introduced January 11, 2023; 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 modifying the amount of personal exemption for personal income tax in West Virginia.

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 or she is entitled to a deduction for the taxable
4 year for federal income tax purposes. With respect to any taxable year beginning on or after
5 January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any
6 taxable year beginning on or after January 1, 1984, said exemption shall be \$800; ~~and~~ with respect
7 to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000; and
8 with respect to any taxable year beginning on or after January 1, 2024, said exemption shall be
9 \$4,000.

10 (b) *Husband and wife.* — If the West Virginia income taxes of a husband and wife are
11 separately determined but their federal income tax is determined on a joint return, each of them
12 shall be separately entitled, with respect to any taxable year prior to January 1, 1983, to a West
13 Virginia exemption of \$600 for each federal exemption to which he or she would be separately
14 entitled for the taxable year if their federal income taxes had been determined on separate returns.
15 With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1,
16 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January
17 1, 1984, said exemption shall be \$800; ~~and~~ with respect to any taxable year beginning on or after
18 January 1, 1987, said exemption shall be \$2,000; and with respect to any taxable year beginning
19 on or after January 1, 2024, said exemption shall be \$4,000.

20 (c) *Surviving spouse.* — For taxable years beginning after December 31, 1986, a surviving
21 spouse shall be allowed one additional exemption of \$2,000 for the two taxable years beginning

22 after the year of death of the deceased spouse; and for taxable years beginning after December
23 31, 2024, a surviving spouse shall be allowed one additional exemption of \$4,000 for the two
24 taxable years beginning after the year of death of the deceased spouse.

25 For purposes of this section and §11-21-12 of this code, a surviving spouse means a
26 taxpayer whose spouse died during the taxable year prior to the taxable year for which the annual
27 return is being filed and who has not remarried at any time before the end of the taxable year for
28 which the annual return is being filed.

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

NOTE: The purpose of this bill is to increase the amount of personal exemption for personal income tax from \$2,000 to \$4,000.

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