

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3544

FISCAL
NOTE

By Delegates Dittman, Howell, Thorne, A. Hall and
Skaff

[Introduced February 14, 2023; Referred to the
Committee on Economic Development and Tourism
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, and §11-13MM-5, all
 3 relating to providing an income tax credit for lessors of real property leased to the state or
 4 other subdivision for recreational purposes.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 13MM. WEST VIRGINIA LESSOR OF REAL PROPERTY TO STATE OF OR
 OTHER SUBDIVISIONS FOR RECREATIONAL PURPOSES INCOME TAX
 CREDIT.**

§11-13MM-1. Definitions.

1 As used in this article:

2 "Eligible landowner means any landowner who has paid in full the real property taxes due
 3 annually pursuant to §11A-1-1 et seq. of this code, for land on which the landowner has granted a
 4 lease, easement, or license of that land or portion of that land to the state or any agency thereof, or
 5 any county or municipality or agency thereof, for recreational purposes as defined in §19-25-5 of
 6 this code.

§11-13MM-2. Definitions.

1 (a) There is allowed to eligible landowners in this state a nonrefundable annual credit
 2 against taxes imposed by §11-21-1 et seq. of this code in the amount set forth in subsection (b) of
 3 this section.

4 (b) The amount of the tax credit is equal to the amount paid annually by the eligible
 5 landowner as defined in this article. If both taxpayers filing a joint tax return are eligible for this
 6 credit authorized by this article, the amount of the credit is not to exceed the amount of real
 7 property tax paid by both taxpayers.

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-3. Qualification for credit.

1 (a) To be an eligible landowner under §11-13MM-2 of this code, he or she shall have paid
2 in full the annual real property taxes due on land on which the landowner has granted a lease,
3 easement, or license of that land or portion of that land to the state or any agency thereof, or any
4 county or municipality or agency thereof, for recreational purposes as defined in §19-25-5 of this
5 code.

6 (b) To claim the tax credit, an eligible landowner shall submit proof of payment of real
7 property taxes showing the dollar amount paid and the property information and a copy of the
8 executed applicable lease, easement, or license of land or portion of land on which the real
9 property taxes have been paid.

§11-13MM-4. 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.

4 (b) The commission may propose rules for legislative approval in accordance with the
5 provisions of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of this
6 article.

§11-13MM-5. Effective Date.

1 The credit allowed by this article shall be allowed for qualifying landowners after December
2 31, 2023.

NOTE: The purpose of this bill is to provide an income tax credit in the amount of real property taxes paid on real property that is being leased for recreational purposes to the state or other subdivisions.

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