

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 12

FISCAL
NOTE

By Senators Karnes, Rucker, and Woelfel

[Introduced January 11, 2023; referred to
the Committee on Agriculture and Natural
Resources; and then to the Committee on 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 \$2,500
3 to \$5,000; and providing that the credit apply retroactively to January 1, 2023.

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 of
6 tax imposed by §11-21-1 *et seq.* or §11-24-1 *et seq.* of this code, whichever is less, in the year of
7 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 the
11 next four taxable years unless sooner used.

12 (d) No more than \$200,000 of tax credits may be allocated to ~~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 2023 regular session of the Legislature, that the amendments be applied retroactively to any
17 donations of qualifying edible agricultural products to one or more nonprofit food programs in this
18 state made on or after January 1, 2023.