

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 61

By Senators Nelson, Phillips, and Queen

[Originating in the Committee on Education; and then
to the Committee on Finance; reported on February
15, 2023]

1 A BILL to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to
2 providing new graduates of an in-state or out-of-state higher educational institution,
3 community or technical college, or trade school a \$1,000 tax credit on the personal
4 property tax of the graduate for five taxable years; providing rule-making authority to the
5 Tax Commissioner; and removing expired language.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-8. Credits against tax.

1 (a) *Business and occupation tax credit.* -- A credit shall be allowed against the tax imposed
2 by §11-21-3 of this code equal to the amount of the liability of the taxpayer for the taxable year for
3 any tax imposed under §11-13-1 *et seq.* of this code: *Provided*, That the amount of such the
4 business and occupation tax credit ~~shall~~ may not exceed the portion of the tax imposed by this
5 article, which is attributable to the West Virginia taxable income derived by the taxpayer for the
6 taxable year from the business or occupation with respect to which said tax under §11-13-1 *et seq.*
7 of this code was imposed. ~~In case~~ If the West Virginia taxable income of a taxpayer includes
8 income from a partnership, estate, trust, or a corporation electing to be taxed under subchapter S
9 of the Internal Revenue Code of 1954, as amended, a part of any tax liability of the partnership,
10 estate, trust, or corporation under §11-13-1 *et seq.* of this code shall be allowed to the taxpayer, in
11 computing the credit provided for by this section, in an amount proportionate to the income of such
12 partnership, estate, trust, or corporation, which is included in the taxpayer's West Virginia taxable
13 income.

14 For purposes of this section, the tax imposed under §11-13-1 *et seq.* of this code shall be
15 the amount of the liability of the taxpayer for such tax under §11-13-1 *et seq.* of this code computed
16 without reduction for the tax credit for industrial expansion or revitalization allowed for such year.

17 ~~(b) Severance tax credit.~~ ~~On and after July 1, 1987, a credit shall be allowed against the~~
18 ~~tax imposed by section three of this article equal to the amount of the liability of the taxpayer for the~~

19 ~~taxable year for any tax imposed under article thirteen-a, chapter eleven of this code: *Provided,*~~
20 ~~That the amount of such severance tax credit shall not exceed the portion of the tax imposed by~~
21 ~~this article which is attributable to the West Virginia taxable income derived by the taxpayer for the~~
22 ~~taxable year from the activities with respect to which said tax under article thirteen-a was imposed.~~
23 ~~In case the West Virginia taxable income of a taxpayer includes income from a partnership, estate,~~
24 ~~trust or a corporation electing to be taxed under subchapter S of the Internal Revenue Code of~~
25 ~~1954, as amended, a part of any tax liability of the partnership, estate, trust or corporation under~~
26 ~~said article thirteen-a shall be allowed to the taxpayer, in computing the credit provided for by this~~
27 ~~section, in an amount proportionate to the income of such partnership, estate, trust or corporation,~~
28 ~~which is included in the taxpayer's West Virginia taxable income.~~

29 ~~(c) Expiration of credit.—The credit authorized in subsection (b) of this section shall expire~~
30 ~~and not be authorized or allowed for any taxable year beginning on or after October 1, 1990~~

31 (b) *New graduate tax credit.* – Any person graduating from an in-state four-year
32 educational institution, community or technical college, or trade school is eligible for up to a \$1,000
33 non-refundable tax credit on the person's personal income tax. The tax credit may be claimed for
34 five taxable years, including the graduation year. The Tax Commissioner may require any
35 information necessary to validate that a person graduated and may propose for promulgation any
36 rules necessary to effectuate the provisions of this section, pursuant to §29A-3-1 *et seq.* of this
37 code.