

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

## ENROLLED

SENATE BILL NO. 238

(By Mr. McCombs)

PASSED March 4 1969

In Effect from Passage

IN THE OFFICE  
JOHN D. LOCKFILLER, IV  
SECRETARY OF STATE

THIS DATE 3-12-69

# 238

**ENROLLED**  
**Senate Bill No. 238**  
(By MR. McCOURT)

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[Passed March 4, 1969; in effect from passage.]

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AN ACT to amend and reenact section eight, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to credits against personal income tax for tax imposed on incomes of certain carriers.

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

That section eight, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 21. PERSONAL INCOME TAX.**

**§11-21-8. Credits against tax.**

- 1     (a) *Business and occupation tax credit.*—A credit shall
- 2     be allowed against the tax imposed by section three of

3 this article equal to the amount of the liability of the  
4 taxpayer for the taxable year for any tax imposed under  
5 article thirteen of chapter eleven of this code: *Provided,*  
6 That the amount of such credit shall not exceed the  
7 portion of the tax imposed by this article which is  
8 attributable to the West Virginia taxable income derived  
9 by the taxpayer for the taxable year from the business  
10 or occupation with respect to which said tax under  
11 article thirteen was imposed. In case the West Virginia  
12 taxable income of a taxpayer includes income from a  
13 partnership, estate, trust or a corporation electing to  
14 be taxed under subchapter S of the Internal Revenue  
15 Code of 1954, as amended, a part of any tax liability  
16 of the partnership, estate, trust or corporation under  
17 said article thirteen shall be allowed to the taxpayer,  
18 in computing the credit provided for by this section, in  
19 an amount proportionate to the income of such partner-  
20 ship, estate, trust or corporation, which is included in  
21 the taxpayer's West Virginia taxable income.

22 (b) *Carrier income tax credit.*—A credit shall be al-  
23 lowed against the tax imposed by section three of this

24 article equal to the amount of the liability of the tax-  
25 payer for the taxable year for any tax imposed on the  
26 taxpayer under article twelve-a, chapter eleven of this  
27 code: *Provided*, That the amount of such credit shall  
28 not exceed the portion of the tax imposed by this article  
29 which is attributable to the West Virginia taxable in-  
30 come derived by the taxpayer for the taxable year from  
31 the activities with respect of which said income tax  
32 under article twelve-a was imposed. In case the West  
33 Virginia taxable income of a taxpayer includes income  
34 from a partnership, estate, trust or a corporation electing  
35 to be taxed under subchapter S of the Internal Revenue  
36 Code of 1954, as amended, a part of any tax liability  
37 of the partnership, estate, trust or corporation under  
38 said article twelve-a shall be allowed to the taxpayer,  
39 in computing the credit provided for by this section in  
40 an amount proportionate to the income of such part-  
41 nership, estate, trust or corporation which is included  
42 in the taxpayer's West Virginia taxable income.

43 (c) *Cross reference.*—For credit in respect of:

44     (1) Taxes withheld on wages, see section seventy-  
45 three,

46     (2) Taxes imposed on a resident by other states, see  
47 section twenty,

48     (3) Taxes imposed on a nonresident by the state of  
49 his residence, see section forty.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa

Chairman Senate Committee

Clayton C. Davidson

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Hughes

Clerk of the Senate

C. G. Blankenship

Clerk of the House of Delegates

Lyndon B. Johnson

President of the Senate

Sam F. Boush

Speaker House of Delegates

The within approved this the 12<sup>th</sup>  
day of March, 1969.

Arch A. Shafer Jr.

Governor



PRESENTED TO THE  
GOVERNOR

Date 3/8/69

Time 4:50 p.m.

RECEIVED

MAR 17 10 24 AM '69

OFFICE OF  
SECRETARY OF STATE  
STATE OF VIRGINIA