

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998

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Com. Sub. for House Bill No. 4326

(By Mr. Speaker, Mr. Kiss, and Delegates Beach,
Kelley, Michael, Mezzatesta and Martin)

Passed March 14, 1998

In Effect from Passage

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SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE

FOR

H. B. 4326

(By MR. SPEAKER, MR. KISS, AND DELEGATES
BEACH, KELLEY, MICHAEL, MEZZATESTA AND MARTIN)

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirteen-o, relating to allowing a tax credit of two hundred fifty dollars per full-time hourly employees for eligible taxpayers engaged in new aluminum or polymer manufacturing operations manufacturing value-added products and beginning operations within this state after the first day of July, one thousand nine hundred ninety-eight, or for the addition of a new product or line of an existing value-added aluminum or polymer product manufacturing facility after the first day of July, one thousand nine hundred ninety-eight; setting forth legislative purpose; specifying definitions; setting eligibility for credit; creation of the credit; amount of credit allowed; expiration of the credit; annual credit allowance; proration of credit; annual computation; credit to successors; credit recapture; administrative rules; construction and effective date.

Be it enacted by the Legislature of West Virginia:

That chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirteen-o, to read as follows:

ARTICLE 13O. TAX CREDIT FOR NEW ALUMINUM OR POLYMER MANUFACTURING OPERATIONS AFTER JULY 1, 1999.

§11-13O-1. Legislative purpose.

1 The Legislature finds that production of value-added
2 products is very important to the economy of this state
3 and that a sound economy is in the public interest and
4 promotes the general welfare of the people of this state.
5 In order to encourage capital investment in this state,
6 through the manufacture of value-added aluminum and
7 polymer products after the thirtieth day of June, one
8 thousand nine hundred ninety-eight, thereby increasing
9 employment and economic development, there is hereby
10 provided to eligible taxpayers a credit for each new job
11 filled by a full-time hourly employee who works in a new
12 value-added aluminum or polymer product
13 manufacturing facility, or in a new value-added aluminum
14 or polymer product line of an existing manufacturing
15 facility, that begins operating in this state after the thirtieth
16 day of June, one thousand nine hundred ninety-eight.

§11-13O-2. Definitions.

1 (a) *General.* — When used in this article, or in the
2 administration of this article, terms defined in subsection
3 (b) of this section have the meanings ascribed to them by
4 this section, unless a different meaning is clearly required
5 by the context in which the term is used.

6 (b) *Terms defined.* —

7 (1) “Affiliate” means and includes all persons, as
8 defined in this section, which are affiliates of each other
9 when either directly or indirectly:

10 (A) One person controls or has the power to control
11 the other; or

12 (B) A third party or third parties control or have the
13 power to control two persons, the two thus being affiliates.
14 In determining whether concerns are independently
15 owned and operated and whether or not an affiliation
16 exists, consideration shall be given to all appropriate
17 factors, including common ownership, common
18 management and contractual relationships.

19 (2) "Commissioner" or "tax commissioner" means
20 the tax commissioner of the state of West Virginia or the
21 tax commissioner's delegate.

22 (3) "Corporation" includes any corporation, a joint-
23 stock company and any association or other organization
24 which is classified as a corporation under federal income
25 tax law.

26 (4) "Delegate", when used in reference to the tax
27 commissioner, means any officer or employee of the tax
28 division of the department of tax and revenue duly
29 authorized by the tax commissioner directly, or indirectly
30 by one or more redelegations of authority, to perform the
31 functions mentioned or described in this article.

32 (5) "Eligible taxpayer" means a person who after the
33 thirtieth day of June, one thousand nine hundred ninety-
34 eight, begins manufacturing a value-added aluminum or
35 polymer product at a new manufacturing facility located
36 in this state, or begins manufacturing a new value-added
37 aluminum or polymer product line at an existing
38 manufacturing facility located in this state, which results in
39 the creation of new jobs filled by full-time employees.

40 (6) "Employer" means the person for whom an
41 individual performs or performed any service, of whatever
42 nature, as the employee of such person, except that if the
43 person for whom the individual performs or performed
44 the service does not have control of the payment of wages
45 for such services, the term "employer" means the person
46 having control of the payment of such wages.

47 (7) "Existing manufacturing facility" means a
48 building which at anytime during the twelve months
49 preceding the month in which manufacture of a value-

50 added aluminum or polymer product begins was used by
51 the taxpayer, or by a related person, to manufacture
52 tangible personal property.

53 (8) "Full-time employee" means a permanent hourly
54 employee of an eligible taxpayer, who is a West Virginia
55 domiciled resident, and works in a new value-added
56 aluminum or polymer product manufacturing facility in
57 this state, or in a new value-added aluminum or polymer
58 product line of an existing manufacturing facility in this
59 state, more than eighteen hundred hours during the entire
60 twelve-month period ending on the last day of the taxable
61 year of the eligible employer, whether these hours are
62 hours worked at the manufacturing facility, or include
63 hours of employer paid vacation leave or other employer
64 paid leave. Full-time employee does not include an
65 employee who is a part-time, seasonal or temporary
66 employee.

67 (9) "Internal Revenue Code" means the Internal
68 Revenue Code of 1986, as amended, of the United States.

69 (10) "Manufacturing facility" means any facility
70 which is used in the manufacturing of tangible personal
71 property (including processing resulting in a change in
72 the condition of such property).

73 (11) "New value-added aluminum or polymer
74 product line" means the manufacture of a value-added
75 aluminum or polymer product in an existing
76 manufacturing facility in this state that first begins
77 manufacturing the new value-added aluminum or polymer
78 product line after the thirtieth day of June, one thousand
79 nine hundred ninety-eight.

80 (12) "New value-added aluminum product
81 manufacturing facility" means a building that is primarily
82 used by the eligible taxpayer to manufacture a value-
83 added aluminum product that is first placed in service and
84 used for that purpose by the eligible taxpayer after the
85 thirtieth day of June, one thousand nine hundred ninety-
86 eight. If the facility was used by the taxpayer, or by a
87 related person, to manufacture tangible personal property
88 at any time during the twelve months preceding the month

89 in which the facility is first used by the taxpayer to
90 manufacture a value-added aluminum or polymer
91 product, the building is not a new value-added aluminum
92 or polymer product manufacturing facility.

93 (13) "New job" means a job at a new value-added
94 aluminum or polymer product manufacturing facility
95 located in this state, or at a new value-added aluminum or
96 polymer product line at an existing manufacturing facility
97 located in this state, which did not exist in this state with
98 any employer as of the first day of the second calendar
99 month preceding the calendar month in which the new
100 value-added aluminum or polymer product
101 manufacturing facility begins to manufacture value-added
102 aluminum or polymer products, or in which the new
103 value-added aluminum or polymer product line begins to
104 manufacture value-added aluminum or polymer products
105 in an existing manufacturing facility located in this state,
106 that is filled by a full-time employee of the eligible
107 taxpayer.

108 (14) "Partnership" means and includes a syndicate,
109 group, pool, joint venture or other unincorporated
110 organization through or by means of which any business,
111 financial operation, or venture is carried on, which is
112 classified as a partnership for federal income tax purposes
113 for the taxable year.

114 (15) "Partner" includes a member in a syndicate,
115 group, pool, joint venture or organization classified as a
116 partnership for federal income tax purposes for the
117 taxable year.

118 (16) "Part-time employee" means any employee who
119 normally works twenty hours or less per week.

120 (17) "Seasonal employee" means an employee who
121 normally works on a full-time basis less than five months
122 in a year.

123 (18) "Temporary employee" means an employee
124 performing services under a contractual arrangement with
125 the employer of two years or less duration.

126 (19) "Person" means and includes an individual, a
127 trust, estate, partnership, limited liability company,
128 association, company or corporation.

129 (20) "Related entity", "related person", "entity
130 related to" or "person related to" means:

131 (A) An individual, corporation, partnership, affiliate,
132 association or trust or any combination or group thereof
133 controlled by the taxpayer;

134 (B) An individual, corporation, partnership, affiliate,
135 association or trust or any combination or group thereof
136 that is in control of the taxpayer;

137 (C) An individual, corporation, partnership, affiliate,
138 association or trust or any combination or group thereof
139 controlled by an individual, corporation, partnership,
140 affiliate, association or trust or any combination or group
141 thereof that is in control of the taxpayer; or

142 (D) A member of the same controlled group as the
143 taxpayer. For purposes of subdivision (3) of this
144 subsection, "control," with respect to a corporation,
145 means ownership, directly or indirectly, of stock
146 possessing fifty percent or more of the total combined
147 voting power of all classes of the stock of the corporation
148 which entitles its owner to vote. "Control," with respect
149 to a trust, means ownership, directly or indirectly, of fifty
150 percent or more of the beneficial interest in the principal
151 or income of the trust. The ownership of stock in a
152 corporation, of a capital or profits interest in a partnership
153 or association or of a beneficial interest in a trust shall be
154 determined in accordance with the rules for constructive
155 ownership of stock provided in section 267(c) of the
156 Internal Revenue Code: *Provided*, That paragraph (3) of
157 section 267(c) of the Internal Revenue Code shall not
158 apply.

159 (21) "Tax year" or "taxable year," means the tax
160 year of the taxpayer for federal income tax purposes.

161 (22) "Taxpayer" means any person subject to the tax
162 imposed by articles twenty-one, twenty-three or twenty-
163 four of this chapter.

164 (23) "Value-added aluminum or polymer product"
165 means any product that adds to, increases or enhances the
166 value of any raw, base or unimproved aluminum or
167 polymer product through processes including, but not
168 limited to, anodization, coating, fabrication, machining,
169 molding, extraction, stamping and any other processing
170 which adds value.

§11-130-3. Eligibility for tax credits; creation of the credit.

1 There shall be allowed to every eligible taxpayer a
2 credit against the taxes imposed in articles twenty-one,
3 twenty-three and twenty-four of this chapter. The amount
4 of this credit shall be determined and applied as provided
5 in this article.

§11-130-4. Amount of credit allowed; expiration of the credit.

1 (a) *Credit allowable.* — The amount of annual credit
2 allowable under this article to an eligible taxpayer shall be
3 two hundred fifty dollars for each new job at a new value-
4 added aluminum or polymer product manufacturing
5 facility located in this state, or at a new value-added
6 aluminum or polymer product line of an existing
7 manufacturing facility located in this state, that is filled by
8 a full-time employee of the eligible taxpayer during the
9 taxable year, subject to the following:

10 (1) When the new value-added aluminum or polymer
11 product manufacturing facility, or the new aluminum or
12 polymer product line of an existing value-added
13 aluminum or polymer product manufacturing facility, is
14 in operation for less than twelve months of the taxable
15 year in which it is placed in service, the credit allowed by
16 subsection (a) of this section shall be prorated by the ratio
17 that the number of months in the taxpayer's taxable year
18 during which the new value-added aluminum or polymer
19 product facility, or the new products line of an existing
20 value-added aluminum or polymer product
21 manufacturing facility, was in service bears to twelve;

22 (2) When the eligible taxpayer stops manufacturing
23 value-added aluminum or polymer products at the new
24 value-added aluminum product manufacturing facility, or
25 at the new aluminum or polymer product line of an
26 existing value-added aluminum or polymer product
27 manufacturing facility, during the taxable year, the credit
28 allowed by subsection (a) of this section shall be prorated
29 by the ratio that the number of months in the taxpayer's
30 taxable year during which the new value-added aluminum
31 or polymer product facility, or the new products line of an
32 existing value-added aluminum or polymer product
33 manufacturing facility, was in operation manufacturing
34 value-added aluminum or polymer products bears to
35 twelve;

36 (3) When determining the number of full-time
37 employees who fill new jobs at the new value-added
38 aluminum or polymer product manufacturing facility
39 located in this state, or who fill new jobs at a new value-
40 added aluminum or polymer product line of an existing
41 manufacturing facility located in this state, the eligible
42 taxpayer shall not include any position occupied by any
43 employee of the eligible taxpayer, or of a related person,
44 which existed in this state as of the first day of the second
45 calendar month preceding the calendar month in which
46 the new value-added aluminum or polymer product
47 manufacturing facility, or a new value-added aluminum or
48 polymer product line at an existing value-added
49 aluminum or polymer products manufacturing facility
50 first becomes operational, whether such positions are filled
51 by permanent, seasonal, temporary or part-time
52 employees;

53 (4) The amount of credit allowable each taxable year
54 shall be calculated annually based upon the number of
55 new jobs filled by full-time employees during the taxable
56 year: *Provided*, That the credit provided for in this article
57 may only be taken one time for each new job created, and
58 once claimed in a tax year for a new job the credit may
59 not be claimed in a subsequent year for that position.

60 (b) *Expiration of credit.* — This credit shall expire on
61 the first day of July, two thousand two. When the first day

62 of July in the year two thousand two falls during the
63 taxable year of the eligible taxpayer, the amount of credit
64 allowable for that taxable year shall be limited to that
65 portion of the amount of credit that would have been
66 allowable had the credit not expired multiplied by the
67 ratio the number of months during taxpayers taxable year
68 ending before the first day of July, two thousand two,
69 bears to twelve.

§11-130-5. Application of annual credit allowance.

1 (a) *Application of credit against business franchise*
2 *tax.* — The amount of credit allowed under section four
3 of this article shall first be applied against the eligible
4 taxpayer's liability for the tax imposed by article twenty-
5 three of this chapter that is attributable to a new value-
6 added aluminum or polymer product manufacturing
7 facility located in this state and to a new value-added
8 aluminum or polymer product production line at an
9 existing manufacturing facility located in this state.

10 (b) *Application of remaining credit against income*
11 *tax.* — After application of the allowable credit against the
12 tax imposed by article twenty-three of this chapter, as
13 provided in subsection (a) of this section, any remaining
14 credit may be applied against the taxes imposed by article
15 twenty-one or twenty-four of this chapter to the extent
16 those taxes are attributable to a new value-added
17 aluminum or polymer product manufacturing facility
18 located in this state and to a new value-added aluminum or
19 polymer product production line at an existing
20 manufacturing facility located in this state: *Provided*, That
21 no credit shall be allowed against employer withholding
22 taxes due under article twenty-one of this chapter.

23 (c) *Excess credit forfeited.* — If after application of
24 subsections (a) and (b) of this section, any credit remains
25 for the taxable year, the amount remaining and not used is
26 forfeited. Unused credit may not be carried back to any
27 prior taxable year and shall not carry forward to any
28 subsequent taxable year.

29 (d) *Application of this credit when other credits apply.*
30 — The credit allowed under this article shall be applied

31 after application of all other applicable tax credits allowed
32 for the taxable year against the taxes imposed by article
33 twenty-one, twenty-three or twenty-four of this chapter.

34 (e) *Completion of annual schedule to assert credit.* —
35 To assert this credit against tax, the eligible taxpayer shall
36 prepare and file with the annual tax return filed under
37 article twenty-one, twenty-three or twenty-four of this
38 chapter, an annual schedule showing the amount of tax
39 paid for the taxable year, and the amount of credit allowed
40 under this article. This annual schedule shall set forth the
41 information and be in the form prescribed by the tax
42 commissioner.

43 (f) *Payments of estimated tax.* — A taxpayer may
44 consider the amount of credit allowed under this article
45 when determining the taxpayer's liability under articles
46 twenty-one, twenty-three and twenty-four of this chapter
47 for periodic payments of estimated tax for the taxable
48 year, in accordance with the procedures and requirements
49 prescribed by the tax commissioner. The annual total tax
50 liability and total tax credit allowed under this article are
51 subject to adjustment and reconciliation pursuant to the
52 filing of the annual schedule required by subsection (e) of
53 this section.

**§11-130-6. Proration of credit among partners, members of
limited liability companies, or shareholders in
small business corporations.**

1 The amount of credit allowed under this article for the
2 taxable year to a partnership or limited liability company
3 classified as a partnership for the taxable year, or to an
4 electing small business corporation, that remains after
5 application the credit against the tax imposed by article
6 twenty-three of this chapter as provided in subsection (a),
7 section five of this article shall be allocated to the
8 individual partners, members or shareholders, as the case
9 may be, in proportion to their ownership interest in the
10 partnership, limited liability company or electing small
11 business corporation. The amount of credit allocated to
12 the individual partners, members or shareholders, as the
13 case may be, may be applied against the taxes imposed by
14 articles twenty-one and twenty-four of this chapter in

15 accordance with the rule set forth in subsection (b), section
16 five of this article.

§11-13O-7. Annual computation of the number of new jobs held by full-time employees.

1 (a) The eligible taxpayer shall annually determine the
2 number of new jobs held by full-time permanent
3 employees of the eligible taxpayer in the taxable year by
4 calculating the average number of full-time employees
5 holding jobs for each month of the taxable year by
6 averaging the beginning and ending monthly
7 employment of full-time employees, then totaling the
8 monthly averages and dividing that total by twelve.

9 (b) The eligible taxpayer shall also annually determine
10 the number of new jobs filled during the taxable year by
11 full-time employees of the eligible taxpayer employed
12 at a new value-added aluminum or polymer product
13 manufacturing facility, or at a new value-added aluminum
14 or polymer product line at an existing manufacturing
15 facility, located in this state that is owned or operated by
16 the eligible taxpayer, by calculating the average number
17 of new jobs held by full-time employees for each month
18 of the taxable year by averaging the beginning and
19 ending monthly employment of full-time employees
20 holding new jobs, then totaling the monthly averages and
21 dividing that total by twelve.

22 (c) Preexisting jobs carried over from a corporation or
23 other entity merged with the taxpayer, and not reflective
24 of a true increase in the number of new jobs in West
25 Virginia, or preexisting jobs formerly in place with a
26 contract service provider which are taken over or
27 supplanted by the internal operations of the taxpayer, or
28 any other increase in the count of jobs in place with a
29 taxpayer which is not reflective of new jobs, as defined in
30 section two of this article, shall not count as new jobs for
31 purposes of the credit allowed under this article.

32 (d) The tax commissioner may prescribe by rule
33 alternative methods for determining the number of jobs
34 held by full-time permanent employees in the taxable year
35 upon a finding by the tax commissioner that an alternative

36 method is appropriate for ascertaining an accurate and
37 realistic determination of new jobs held by full-time
38 employees in the taxable year. For purposes of
39 prescribing alternative methods, the tax commissioner may
40 require the deduction or inclusion of jobs in place with
41 contract service providers that provide or at any time
42 provided any service to any eligible taxpayer or to any
43 member of the affiliated group related to any eligible
44 taxpayer or to any one or more entities related to the
45 eligible taxpayer: *Provided*, That deduction, or inclusion
46 of those jobs shall only pertain to jobs held by employees
47 of the contract service provider that are attributable or that
48 were formerly attributable to the service provided by the
49 contract service provider to the taxpayer. The tax
50 commissioner may require any deconsolidation of any
51 filing entity, or may require an alternative method based
52 on separate accounting, unitary combination, combination
53 of the affiliated group or combination of the taxpayer and
54 one or more entities related to the taxpayer, or any other
55 method determined by the tax commissioner to be
56 appropriate for ascertaining an accurate and realistic
57 determination of new jobs held by full-time employees in
58 the taxable year.

§11-130-8. Availability of credit to successors.

1 (a) *Transfer or sale*. — When there is a transfer or sale
2 of the business assets of an eligible taxpayer to a successor
3 taxpayer which continues to operate the new value-added
4 aluminum or polymer product manufacturing facility
5 located in this state, or the new value-added aluminum or
6 polymer product line of an existing manufacturing facility
7 located in this state, the successor taxpayer is entitled to
8 the credit allowed under this article: *Provided*, That the
9 successor taxpayer otherwise remains in compliance with
10 the requirements of this article for entitlement to the
11 credit.

12 (b) *Allocation of credit between eligible taxpayer and*
13 *successor eligible taxpayer*. — For any taxable year
14 during which a transfer, or sale of the business assets of an
15 eligible taxpayer to a successor taxpayer under this section
16 occurs, or a merger allowed under this section occurs, the

17 credit allowed under this article shall be apportioned
 18 between the predecessor eligible taxpayer and the
 19 successor taxpayer based on the number of days during
 20 the taxable year that each taxpayer acted as the legal
 21 employer of individuals filling new jobs for which the
 22 credit allowed under this article is based and the number
 23 of days during the taxable year that each taxpayer owned
 24 the new value-added aluminum or polymer product
 25 manufacturing facility located in this state, or the new
 26 value-added aluminum or polymer product line of an
 27 existing manufacturing facility located in this state.

28 (c) *Stock purchases.* — When a corporation which is
 29 an eligible taxpayer entitled to the credit allowed under
 30 this article is purchased through a stock purchase by a new
 31 owner, and the corporation remains a legal entity so as to
 32 retain its corporate identity, the entitlement of that
 33 corporation to the credit allowed under this article will not
 34 be affected by the ownership change.

35 (d) *Mergers.* —

36 (1) When a corporation or other entity which is an
 37 eligible taxpayer entitled to the credit allowed under this
 38 article is merged with another corporation or entity, the
 39 surviving corporation or entity, shall be entitled to the
 40 credit to which the predecessor eligible taxpayer was
 41 originally entitled only if the surviving corporation or
 42 entity, otherwise complies with the provisions of this
 43 article.

44 (2) The amount of credit available in any taxable year
 45 during which a merger occurs shall be apportioned
 46 between the predecessor eligible taxpayer and the
 47 successor eligible taxpayer based on the number of days
 48 during the taxable year that each taxpayer acted as the
 49 legal employer of employees holding the new jobs upon
 50 which the credit allowed under this article is based and the
 51 number of days during the taxable year that each owned
 52 the transferred business assets: *Provided*, That when the
 53 taxable year of the predecessor eligible taxpayer and the
 54 taxable year of the successor eligible taxpayer are
 55 different, the apportionment shall be made in accordance
 56 with legislative rules prescribed by the tax commissioner.

57 (e) No provision of this section or of this article shall
58 be construed to allow sales or other transfers of the tax
59 credit allowed under this article. The credit allowed under
60 this article may be transferred only in circumstances where
61 there is a valid successorship as described under this
62 section.

**§11-130-9. Credit recapture; interest; penalties; additions to
tax; statute of limitations.**

1 (a) If it appears upon audit or otherwise that any
2 person has improperly claimed the credit allowed by this
3 article, the amount improperly claimed and which the
4 person was not entitled to take shall be recaptured.
5 Amended returns shall be filed for any taxable year for
6 which the credit was improperly taken. Any additional
7 taxes due under this chapter shall be remitted with the
8 amended return or returns filed with the tax commissioner,
9 along with interest, as provided in section seventeen, article
10 ten of this chapter, and a ten percent penalty plus such
11 other penalties and additions to tax as may be applicable
12 under the provisions of article ten of this chapter.

13 (b) *Recapture for jobs lost.* —

14 (1) In any tax year the number of individuals
15 employed in full-time positions by the eligible taxpayer
16 decreases by more than ten percent, credit recapture shall
17 apply, and the taxpayer shall return to the state an amount
18 of tax determined by multiplying five hundred dollars by
19 the number of full-time jobs lost which exceed ten
20 percent. An amended return shall be filed for the tax year
21 for which credit recapture is required. Any additional
22 taxes due under this chapter shall be remitted with the
23 amended return filed with the tax commissioner, along
24 with interest, as provided in section seventeen, article ten of
25 this chapter, and a ten percent penalty plus such other
26 penalties and additions to tax as may be applicable under
27 the provisions of article ten of this chapter.

28 (2) Notwithstanding the provisions of article ten of this
29 chapter, penalties and additions to tax imposed under
30 article ten of this chapter and the ten percent penalty
31 imposed under this section may be waived, in whole or in

32 part, at the discretion of the tax commissioner. However,
33 interest may not be waived.

34 (c) Notwithstanding the provisions of article ten of this
35 chapter, the time within which a notice of assessment may
36 be issued by the tax commissioner to recover recaptured
37 tax shall be five years from the date of filing of any tax
38 return on which this credit was taken or five years from
39 the date of payment of any tax liability calculated
40 pursuant to the assertion of the credit allowed under this
41 article, whichever is later.

§11-130-10. Administrative rules.

1 The tax commission may prescribe such rules as may
2 be necessary to carry out the purposes of this article,
3 including, but not limited to, rules relating to applicability
4 of credit, method of claiming credit, credit recapture,
5 documentation necessary to claim credit and rules
6 preventing abuse of this article by related persons or by
7 change in the form of doing business. All rules
8 promulgated under this article shall be promulgated in
9 accordance with article three, chapter twenty-nine-a of this
10 code.

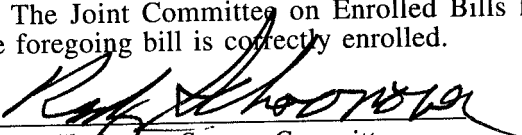
§11-130-11. Construction of article.

1 The provisions of this article shall be reasonably
2 construed. The burden of proof is on the person claiming
3 the credit allowed by this article to establish by clear and
4 convincing evidence that the person is entitled to the
5 amount of credit asserted for the taxable year.

§11-130-12. Effective date.

1 This article shall be effective for taxable years
2 beginning on or after the first day of July, one thousand
3 nine hundred ninety-eight.

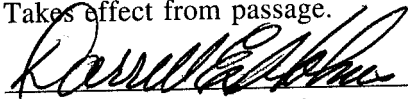
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

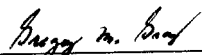

Chairman Senate Committee


Chairman House Committee


Originating in the House.

Takes effect from passage.

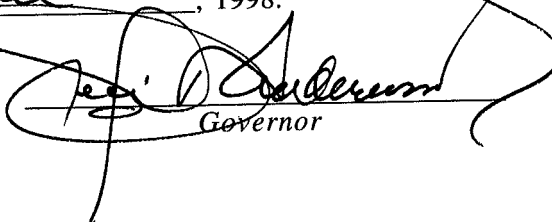

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 24
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/6/98

Time 11:50am