WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED

SENATE BILL NO. 174

(By Senator Tomblin [Mr. President, by request])

PASSED April 14, 2001

In Effect July 1, 2001
ENROLLED

Senate Bill No. 174

(BY SENATOR TOMBLIN, MR. PRESIDENT, BY REQUEST)

[Passed April 14, 2001; to take effect July 1, 2001.]

AN ACT to amend and reenact section eight-e, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article twenty-four of said chapter by adding thereto a new section, designated section twenty-three-g, all relating to the application of tax credits for qualified rehabilitation buildings investment; and allowing for the distribution of the credits to owners of the entities earning the credits.

Be it enacted by the Legislature of West Virginia:

That section eight-e, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article twenty-four of said chapter be amended by adding thereto a new section, designated section twenty-three-g, all to read as follows:

PART I. GENERAL.

ARTICLE 21. PERSONAL INCOME TAX.
§11-21-8e. Carryback, carryforward.

(a) Any unused portion of the credit for qualified rehabilitated buildings investment authorized by section eight-a of this article which may not be taken in the taxable year to which the credit applies qualifies for carryback and carryforward treatment subject to the identical general provisions under §39, Title 26 of the United States Code, as amended: Provided, That the amount of the credit taken in a taxable year shall in no event exceed the tax liability due for the taxable year.

(b) Effective for taxable years beginning on and after the first day of January, two thousand one, credits granted to an electing small business corporation (S corporation), limited partnership, general partnership, limited liability company or multiple owners of property shall be passed through to the shareholders, partners, members or owners, either pro rata or pursuant to an agreement among the shareholders, partners, members or owners documenting an alternative distribution method. The tax commissioner shall promulgate procedural rules in accordance with article three, chapter twenty-nine-a of this code that provide the method of reporting the alternative method of distribution authorized by this section.

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-23g. Application of credits.

Effective for taxable years beginning on and after the first day of January, two thousand one, the credits granted, pursuant to section twenty-three-a of this article, to an electing small business corporation (S corporation), limited partnership, general partnership, limited liability company or multiple owners of property shall be passed through to the shareholders, partners, members or owners, either pro rata or pursuant to an agreement among the shareholders, partners, members or owners documenting an alternative distribution method. Taxpayers eligible for the credits may transfer, sell or assign the credits.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman/Senate Committee

Chairman House Committee

Originated in the Senate.

To Take effect July 1, 2001.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ....................... is approved this the 2nd Day of May ....................... , 2001.

Governor