

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 ~~Passage~~

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.

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

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

ARTICLE 24. CORPORATION NET INCOME TAX.**§11-24-23g. Application of credits.**

1 Effective for taxable years beginning on and after the
2 first day of January, two thousand one, the credits
3 granted, pursuant to section twenty-three-a of this article,
4 to an electing small business corporation (S corporation),
5 limited partnership, general partnership, limited liability
6 company or multiple owners of property shall be passed
7 through to the shareholders, partners, members or owners,
8 either pro rata or pursuant to an agreement among the
9 shareholders, partners, members or owners documenting
10 an alternative distribution method. Taxpayers eligible for
11 the credits may transfer, sell or assign the credits.

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

[Handwritten Signature]
.....
Chairman/Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

To Take effect July 1, 2001.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

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

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/25/01

Time 5:10 pm