

HB 2945
S 576E
BH

FILED

2007 APR -3 AM 11:07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2945**

(By Klempa, Moore, D. Poling, Rodighiero, Ellis, Iaquina,
J. Miller, Pethel, Fragale and Hutchins)



Passed March 10, 2007

In Effect Ninety Days from Passage

FILED

2007 APR -3 AM 11:07

ENROLLED

OFFICE WEST VIRGINIA
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

H. B. 2945

(BY KLEMPA, MOORE, D. POLING, RODIGHIERO, ELLIS, IAQUINTA,
J. MILLER, PETHTEL, FRAGALE AND HUTCHINS)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended,
by adding thereto a new article, designated §11-13W-1,
relating to providing for tax credits for apprenticeship
training in construction trades.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be
amended by adding thereto a new article, designated §11-13W-1, to
read as follows:

**ARTICLE 13W. APPRENTICESHIP TRAINING TAX
CREDITS.**

**§11-13W-1. Tax credits for apprenticeship training in
construction trades.**

1 (a) *Credit allowed.* - For those tax years beginning on or
2 after the first day of January, two thousand eight, there shall
3 be allowed a credit for any taxpayer against certain taxes
4 imposed by this state as described in subsection (d) of this
5 section for wages paid to apprentices in the construction
6 trades who are registered with the United States Department
7 of Labor, Office of Apprenticeship, West Virginia State
8 Office, by such taxpayer in the tax year that an apprentice
9 and taxpayer participate in a qualified apprenticeship training
10 program, as described in this section, which: (1) Is jointly
11 administered by labor and management trustees; (2) is
12 administered pursuant to 29 U.S.C. Section 50; and (3) is
13 certified in accordance with regulations adopted by the
14 United States Bureau of Apprenticeship and Training.

15 (b) *Amount of credit.* - The tax credit shall be in an
16 amount equal to one dollar per hour multiplied by the total
17 number of hours worked during the tax year by an apprentice
18 working for the taxpayer participating in the qualified
19 apprenticeship training program, provided the amount of
20 credit allowed for any tax year with respect to each such
21 apprentice may not exceed one thousand dollars or fifty
22 percent of actual wages paid in such tax year for such
23 apprenticeship, whichever is less.

24 (c) *Qualified apprenticeship training program*
25 *requirements.* - In addition to the qualifications specified in
26 subsection (a) of this section, a qualified apprenticeship
27 training program shall also be required to consist of at least
28 two thousand but not more than ten thousand hours of on the
29 job apprenticeship training for certification of such
30 apprenticeship by the United States Bureau of Apprenticeship
31 and Training.

32 (d) *Application of annual credit allowance.* - The amount
33 of credit as determined under subsection (b) of this section is
34 allowed as a credit against the taxpayer's state tax liability
35 applied as provided in subdivisions (1) through (3), inclusive,
36 of this subsection, and in that order.

37 (1) *Business franchise tax.* -- The credit must first be
38 applied to reduce the taxes imposed by article twenty-three of
39 this chapter for the taxable year.

40 (2) *Corporation net income taxes.* - After application of
41 subdivision (1) of this subsection, any unused credit is next
42 applied to reduce the taxes imposed by article twenty-four of
43 this chapter for the taxable year.

44 (3) *Personal income taxes.* --


45 (A) If the person making the qualified investment is an
46 electing small business corporation (as defined in section
47 1361 of the United States Internal Revenue Code of 1986, as
48 amended), a partnership, a limited liability company that is
49 treated as a partnership for federal income tax purposes, or a
50 sole proprietorship, then any unused credit (after application
51 of subdivisions (1) and (2) of this subsection) is allowed as
52 a credit against the taxes imposed by article twenty-one of
53 this chapter on the income from business or other activity
54 subject to tax under article twenty-three of this chapter or on
55 income of a sole proprietor attributable to the business.

56 (B) Electing small business corporations, limited liability
57 companies, partnerships and other unincorporated
58 organizations shall allocate the credit allowed by this article
59 among its members in the same manner as profits and losses
60 are allocated for the taxable year.

61 (4) No credit is allowed under this section against any
62 employer withholding taxes imposed by article twenty-one of
63 this chapter.

64 (e) *Unused credit.* -- If any credit remains after
65 application of subsection (d) of this section, the amount
66 thereof is forfeited. No carryback to a prior taxable year is
67 allowed for the amount of any unused portion of any annual
68 credit allowance.

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




Chairman Senate Committee



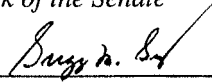
Chairman House Committee

Originating in the House.

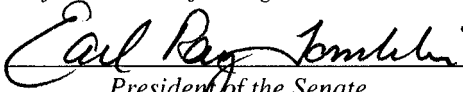
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2007

Time 3:55 pm