

SB 540 s

FILED

2007 MAR 27 PM 5: 03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 540

(BY SENATORS HELMICK, MINARD AND GUILLS)

[Passed March 6, 2007; in effect ninety days from passage.]

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Senate Bill No. 540

(BY SENATORS HELMICK, MINARD AND GUILLS)

[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11b, relating to providing tax credits for utility taxpayers with a net operating loss prior to the thirty-first day of December, two thousand six.

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 section, designated §11-24-11b, to read as follows:

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-11b. Credit for utility taxpayers with net operating loss carryovers.

1 (a) *General.* — There shall be allowed to every eligible
2 taxpayer a nonrefundable credit against its primary tax
3 liability imposed under this article for any net operating
4 loss carryovers that exist as of the thirty-first day of
5 December, two thousand six.

6 (b) (1) “Eligible taxpayer” means any person subject
7 to the business and occupation taxes prescribed by
8 article thirteen of this chapter and exercising any
9 privilege taxable under section two-o of this article.

10 (2) “Eligible taxpayer” also includes an affiliated
11 group of taxpayers if the group elects to file a
12 consolidated corporation net income tax return under
13 this article if one or more affiliates included in the
14 affiliated group would qualify as an eligible taxpayer
15 under subdivision (1) of this subsection.

16 (c) *Amount of credit.* — The amount of credit allowed
17 shall be equal to one-quarter percent of the eligible
18 taxpayer’s West Virginia net operating loss carryovers
19 allowed by subsection (d), section six of this article that
20 exist as of the thirty-first day of December, two
21 thousand six.

22 (d) *Application of credit.* — The amount of credit
23 allowed shall be taken against the tax liabilities of the
24 eligible taxpayer under this article as shown on its
25 annual return for the taxable year in which its net
26 operating loss carryovers are utilized, as provided in
27 subsection (d), section six of this article. Any credit
28 remaining after application against the eligible

29 taxpayer's tax liabilities for the current year may be
30 carried forward to subsequent tax years until used.

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

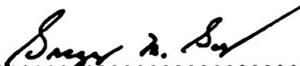

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Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this
the 2th Day of March 2007.


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Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 4:00 pm