

## ADMINISTRATIVE NOTICE 2008-22

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**SUBJECT: BUSINESS INVESTMENT AND JOBS EXPANSION TAX CREDIT --- Small Business Investment and Jobs Expansion Tax Credit (Small Business Credit) - Notice of Inflation Adjustments for Tax Years Beginning in 2009**

A "**small business**" may claim the small business investment and jobs expansion tax credit allowed under W. Va. Code § 11-13C-7a, when its qualified investment in real or tangible personal property purchased or leased for business expansion in this State, as defined in W. Va. Code § 11-13C-6, results in such small business hiring new employees to fill at least ten (10) "**new jobs**" it created in this State as a direct result of the purchase or lease of such qualified investment property.

The law defined "**small business**," as of March 10, 1990, to mean a "business which has an annual payroll [as defined in subsection 11-13C-14(e)(6)(A)] of one million seven hundred thousand dollars or less, and annual gross receipts [as defined in subsection 11-13C-14(e)(6)(B)] of not more than five million five hundred thousand dollars[.]" W. Va. Code § 11-13C-14(e)(6) (emphasis added).

"**New job**" was defined by incorporating the definition of "**new job**" in subsection 11-13C-3(b)(14), with the additional requirement that the median compensation of such new jobs cannot be less than eleven thousand dollars per year. W. Va. Code § 11-13C-7a(c).

Dollar amounts stated in these definitions of "**small business**" and "**new job**" are subject to annual adjustment for inflation. This adjustment is determined by the Tax Commissioner using the methodology described in subsection 11-13C-7a(1) through (4). The 2009 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2008 exceeds the CPI for calendar year 1987. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year. W. Va. Code § 11-13C-7a(A)(2). The CPI for 2008 is 213.605 and the CPI for 1987 is 111.9833333333. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13C-7a, for tax years beginning in calendar year 2009, is 1.9074713499.

Accordingly, for tax years beginning during calendar year 2009:

"**Small business**" means a business which has an annual payroll of two million, eight hundred sixty-one thousand, two hundred dollars (\$2,861,200) or less, and annual gross receipts of not more than nine million, five hundred thirty-seven thousand, three hundred fifty dollars (\$9,537,350); and

"**New job**" means a "new job" as defined in W. Va. Code § 11-13C-3(b)(14): **Provided**, that the annualized median compensation of such new jobs shall not be less than twenty thousand, nine hundred fifty dollars (\$20,950) per year.

A summary of the applicable inflation-adjusted Small Business Credit criteria, by calendar year, for tax years beginning in such years, follows:

<b>CRITERIA</b>			
<b>YEAR</b>	<b>PAYROLL</b>	<b>GROSS SALES</b>	<b>MEDIAN COMPENSATION</b>
1987	\$1,500,000	\$5,000,000	\$11,000
1988	\$1,500,000	\$5,000,000	\$11,000
1989	\$1,562,050	\$5,206,850	\$11,450
1990	\$1,700,000*	\$5,500,000*	\$12,000
1991	\$1,716,300	\$5,721,050	\$12,550
1992	\$1,806,950	\$6,023,200	\$13,250
1993	\$1,862,200	\$6,207,350	\$13,650
1994	\$1,919,100	\$6,397,150	\$14,050
1995	\$1,969,150	\$6,563,800	\$14,400
1996	\$2,025,150	\$6,750,600	\$14,850
1997	\$2,081,100	\$6,937,000	\$15,250
1998	\$2,137,800	\$7,126,050	\$15,650
1999	\$2,174,050	\$7,246,950	\$15,900
2000	\$2,212,000	\$7,373,450	\$16,200
2001	\$2,280,800	\$7,602,650	\$16,700
2002	\$2,355,800	\$7,852,700	\$17,250
2003	\$2,393,300	\$7,977,750	\$17,550
2004	\$2,447,900	\$8,159,650	\$17,950
2005	\$2,504,250	\$8,347,550	\$18,350
2006	\$2,582,050	\$8,606,950	\$18,900
2007	\$2,682,850	\$8,942,900	\$19,650
2008	\$2,744,200	\$9,147,450	\$20,100
2009	\$2,861,200	\$9,537,350	\$20,950

\*Amounts established by 1990 W. Va. Acts 176.

**Notice of this determination will be filed in the West Virginia Register.**

Issued: September 24, 2008

Christopher G. Morris  
State Tax Commissioner

State Tax Department  
Taxpayer Services Division  
P.O. Box 3784  
Charleston, WV 25337-3784

Operator on duty 8:30 am – 5:00 p.m.  
Monday through Friday  
Phone: (304) 558-3333 or 1-800-982-8297  
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TDD Service/Hearing Impaired 1-800-282-9822