

West Virginia Business Investment And Jobs Expansion Tax Credit

Notice To Tax Commissioner By Taxpayers Having Claim Under

The Transition Rules of West Virginia Code § 11-13C-16(c)(2)

Due December 31, 2002

Instructions And Form

The Business Investment and Jobs Expansion Credit Law (Super Credit) was amended by the 2002 West Virginia Legislature to generally provide for the termination of the credit for new investment made after December 31, 2002. Exceptions to the general rule exist for investments covered by transition rules relating to certain fiscal year investments begun, but not fully completed, prior to the sunset date, to certain multiple year projects begun, but not completed, prior to the sunset date, and to binding contracts executed prior to January 1, 2003.

Taxpayers who wish to assert a claim for Super Credit under the transition rules must file Form WV/BCS-Transition with the Tax Department by no later than **December 31, 2002**. Only applications for transition rule qualification filed with the Department on or before December 31, 2002 will be considered. Timely mailing is timely filing.

Note that the mere filing of this notice does not entitle the Taxpayer to claim tax credits. The notice must be fully completed with all necessary information. All questions regarding this application should be addressed to either the General Counsel for Revenue Operations or to the Research and Development Division at (304) 558-8730.

Note all project Taxpayers must receive project certification from the Tax Commissioner prior to claiming any Super Credits under W.Va. Code § 11-13C-5. In addition, for each tax year in which qualified investment is placed in service, the Taxpayer must apply to the Tax Commissioner (Form WV/BCS-A) for allowance of Super Credit prior to the due date for the Taxpayer's annual income tax return without extensions, and receive a written response from the Tax Department.

Note that some Taxpayers, who make qualifying investments in 2003 and later years, may first wish to compare the potential benefit of the alternative Economic Opportunity Tax Credit with the Super Credit prior to filing this notice with the Tax Commissioner.

Instructions

Enter the name, address and federal identification number of the Taxpayer or primary Taxpayer (multiple party project) applying for eligibility under the transition rules.

1. List the names and federal identification numbers of all other project participants (multiple party projects only).
2. Check the appropriate box for the transition rule(s) that may apply in your case.
3. Enter the projected amount of investment for your project as well as the projected number of new jobs to be created as a result of such investment in the spaces provided. Also, please attach an explanation of the type(s) and amount(s) of projected investment to be made.

This application must be signed by an officer of the primary project participant to be valid.

The completed application should be mailed to:

West Virginia State Tax Department
Attention: Research and Development Division
P.O. Box 2389
Charleston, West Virginia 25328-2389.



**NOTICE TO TAX COMMISSIONER OF CLAIM FOR
West Virginia Business Investment And Jobs Expansion Credit
Under Transition Rules (Due December 31, 2002)**

Name	Identification Number	
Street Address		
City, Town or Post Office	State	Zip Code

1) List the names and federal identification numbers of all other project participants (multiple party projects only).

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

2) Which of the Following Transition Rules Apply? (Check Appropriate Box)

- A. Qualified Investment Property Placed Into Service Or Use Prior To January 1, 2004 But After December 31, 2002 To Complete An Investment Period Beginning On _____.
- B. Investment Placed Into Service Between January 1, 2003 And January 1, 2004 Pursuant To A Written Binding Contract Executed Prior To January 1, 2003.
- C. Investment Placed Into Service By One Or More Qualified Taxpayers For A Multiple Year Project Beginning before January 1, 2003, Including Projects Certified Pursuant To A Written Binding Contract Executed Prior To January 1, 2003.

3) Projected Investment \$ _____ Projected New Jobs _____

Under penalties of perjury, I declare that I have examined this document (include accompanying schedules and statements), and to the best of my knowledge and belief it is true, and complete.

(Signature of Taxpayer) (Name of Taxpayer-Type or Print) (Title)

(Person to Contact Concerning This Return) (Telephone Number)

(Signature of Preparer other than Taxpayer) (Address) (Date)