WEST VIRGINIA CODE: §11-13OO-5

§11-13OO-5. Application for disaster repair and recovery efforts project; contents of application; review of credit application; limitation on total credits authorized; taking of credit.

(a) Notwithstanding any provision of this article to the contrary, no credit shall be allowed or applied under this article for any expenditure for repair and recovery efforts until the person asserting a claim for the allowance of credit receives certification of the repair and recovery effort project from the Secretary of the Department of Environmental Protection, as provided in this section. The Secretary of the Department of Environmental Protection may coordinate repair and recovery projects with other departments as necessary.

(b) Applications for certification of a repair and recovery effort project shall contain a description of the work to be performed, an estimate of the cost of the project, and any other information which the Secretary of the Department of Environmental Protection or his or her designee may require.

(c) Applications for certification of a repair and recovery effort project shall be filed with the Secretary of the Department of Environmental Protection within 72 hours of commencement of any project. Once a project application is filed, the Secretary of the Department of Environmental Protection shall work promptly with a taxpayer to ensure that the application contains all the information required by this article. Applications for credit may be supplemented or amended at any time after filing until all the information required by subsection (b) of this section has been provided. Once a complete application has been filed, the Secretary of the Department of Environmental Protection shall review it promptly to determine whether the project should be certified as eligible for credit under this article.

(d) The Secretary of the Department of Environmental Protection is authorized to certify no more than $5 million of expenditures annually for repair and recovery efforts as eligible for the credit provided in this article. The Secretary of the Department of Environmental Protection shall keep track of the total expenditures approved and will cease accepting applications once the expenditure limit has been reached.

(e) The eligible taxpayer claiming the credit for certified expenditures for repair and recovery efforts shall include information supporting the computation of the credit and any other information the Tax Commissioner requires with its severance tax returns filed under this chapter.

WV Legislature