

HB 50 050

RECEIVED
1995 MAR 23 11 3 24
OFFICE OF THE CLERK OF THE SENATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 524

(By Senator HEZLUICK, ET AL)



PASSED MARCH 11, 1995

In Effect FROM Passage

ENROLLED
Senate Bill No. 524

(BY SENATORS HELMICK, LOVE AND ROSS)

[Passed March 11, 1995; in effect from passage.]

AN ACT to amend article six-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five, relating to the property tax treatment of personal property installed at a coal waste disposal power project.

Be it enacted by the Legislature of West Virginia:

That article six-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five, to read as follows:

ARTICLE 6A. POLLUTION CONTROL FACILITIES TAX TREATMENT.

§11-6A-5. Coal waste disposal power projects.

1 (a) Notwithstanding any other provisions of this
2 article, a coal waste disposal power project designed,
3 constructed or installed to reclaim, burn and dispose of
4 coal wastes in compliance with applicable air and water
5 quality standards and which meets the criteria for

6 financing under section twenty-one, article two-c,
7 chapter thirteen of this code shall, for purposes of
8 section three of this article, be subject to the provisions
9 of this section.

10 (b) All items of personal property installed at a coal
11 waste disposal power project shall be deemed a pollution
12 control facility for purposes of this article, subject to an
13 allocation of value as contemplated by section four of
14 this article, as provided by this subsection. In allocating
15 value, the tax commissioner shall accord salvage valua-
16 tion to a portion of the total personal property at the
17 project. The portion shall be equal to the ratio of tons of
18 West Virginia coal waste burned and disposed of at the
19 project to the total tons of coal and coal waste burned
20 and disposed at the project during the previous calendar
21 year: *Provided*, That with respect to a project placed in
22 service prior to the effective date of this section at which
23 project such ratio for the year ended the thirty-first day
24 of December, one thousand nine hundred ninety-four,
25 was less than seventy percent, the tax commissioner
26 shall award salvage valuation to sixty-three percent of
27 the total personal property at the project for tax years
28 after the effective date of this section, notwithstanding
29 the actual ratio for any calendar year. The remaining
30 portion of the personal property at the project, but in no
31 event less than twenty-five percent of that total, shall be
32 valued without regard to this article: *Provided, however*,
33 That the facility shall not qualify as a pollution control
34 facility under this subsection if it burns coal, coal waste
35 or fuel waste from outside the state of West Virginia
36 after the effective date of this section.

37 The provisions of this section are not intended to be
38 applied retroactively.

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

Randy Schorover

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originated in the Senate.

In effect from passage.

David Williams

Clerk of the Senate

Donald L. Stepp

Clerk of the House of Delegates

Carl Ray Tomlin

President of the Senate

Bill Rubin

Speaker House of Delegates

The within is approved this the 22nd

day of March, 1995.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/95

Time 3:08 pm