

HB 2619

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



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## HOUSE BILL No. 2619

(By Delegate Michael )



Passed April 11, 1997

In Effect Ninety Days From Passage

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**H. B. 2619**

(BY DELEGATE MICHAEL)

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[Passed April 11, 1997; in effect ninety days from passage.]

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AN ACT to amend article five, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen-a, relating to clarification of application of freeport warehouse exemption against ad valorem property tax as it applies to goods in a warehouse awaiting shipment out-of-state.

*Be it enacted by the Legislature of West Virginia:*

That article five, 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 thirteen-a, to read as follows:

**ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.**

**§11-5-13a. Application of exemption to finished goods in warehouse.**

- 1 (a) This section is intended to clarify the intent of the
- 2 Legislature and the citizens in establishing the exemption
- 3 from ad valorem property taxation granted by section
- 4 one-c, article ten of the West Virginia constitution and
- 5 section thirteen of this article as it pertains to goods held

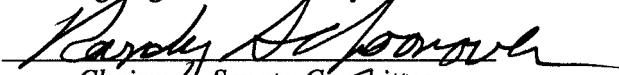
6 in warehouse facilities in this state awaiting shipment to a  
7 destination outside this state. This section codifies policies  
8 applied by agencies and departments of this state upon  
9 which persons have relied. It is the intent of the Legisla-  
10 ture that the provisions of this section are to be liberally  
11 construed in favor of a person claiming exemption from  
12 tax pursuant to section one-c, article ten of the West Vir-  
13 ginia constitution, this section and section thirteen of this  
14 article.

15 (b) Goods which have been moved to a warehouse or  
16 storage facility, at which no substantial alteration takes  
17 place, to await shipment to a destination outside this state  
18 are deemed to be moving in interstate commerce over the  
19 territory of the state and therefore are exempt from ad  
20 valorem property tax and do not have a tax situs in West  
21 Virginia for purposes of ad valorem taxation.

22 (c) Notwithstanding subsection (b) of this section,  
23 personal property of inventories of natural resources shall  
24 not be exempt from ad valorem taxation unless required  
25 by federal law.

26 (d) This section is intended to be declarative of the  
27 law as of the enactment hereof and shall be fully retroac-  
28 tive.

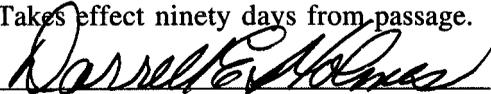
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

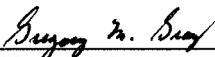
  
Chairman Senate Committee

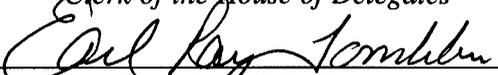
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 7th  
day of May, 1997.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/25/97

Time 2:16 pm