

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

ENROLLED

House Bill 207

BY DELEGATES HANSHAW (MR. SPEAKER) AND MILEY

(BY REQUEST OF THE EXECUTIVE)

[Passed July 23, 2019; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §11-13-2q, relating to exempting from business and occupation tax certain
3 merchant power plants; defining merchant power plant; specifying conditions for
4 exemption from tax; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. BUSINESS AND OCCUPATION TAX.

§11-13-2q. Exemption from tax for certain merchant power plants.

1 (a) *Exemption.* — Notwithstanding the provisions of §11-13-2o of this code, for taxable
2 years, or portions thereof, beginning on or after January 1, 2020, a merchant power plant is
3 exempt from the business and occupation tax imposed by §11-13-2o of this code on the
4 generating capacity of its generating units located in this state that are owned or leased by the
5 taxpayer and used to generate electricity. When the January 1, 2020, date falls during a taxpayer's
6 taxable year, the tax liability for that year shall be prorated based upon the number of months
7 before and the number of months beginning on and after January 1, 2020, in that taxable year.

8 (b) *Definition.* — As used in this section, the term “merchant power plant” means an
9 electricity generating plant in this state that (1) is not subject to regulation of its rates by the West
10 Virginia Public Service Commission, (2) sells electricity it generates only on the wholesale market,
11 (3) does not sell electricity pursuant to one or more long-term sales contracts, and (4) does not
12 sell electricity to retail consumers.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor