

Senate Bill No. 537

(By Senators Klempa, Yost and Browning)

[Introduced February 17, 2011; referred to the Committee on Economic Development; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13BB-1, §11-13BB-2 and §11-13BB-3, all relating to creating a tax credit for businesses that properly compost trash and unused food rather than use the normal means of dumping trash and unused food into a noncomposting dumpster.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §11-13BB-1, §11-13BB-2 and §11-13BB-3, all to read as follows:

ARTICLE 13BB. TAX CREDIT FOR COMPOSTING.

§11-13BB-1. Legislative findings and purpose.

The Legislature finds that the encouragement of businesses to compost certain types of garbage, landscape waste and food is in the public interest and promotes a proenvironmental atmosphere in

1 the State of West Virginia. A tax credit for composting allows
2 businesses to reduce its environmental impact and provides a green
3 manner in which to dispose of its waste.

4 The Composting Tax Credit will also give money back to
5 businesses to reinvest and hire new employees.

6 **§11-13BB-2. Eligibility for tax credits; creation of the credit.**

7 (a) There is allowed to every eligible taxpayer a credit
8 against the taxes imposed in articles thirteen, thirteen-a, twenty-
9 three, and twenty-four of this chapter. The amount of this credit
10 is determined and applied as provided in this article.

11 (b) To be eligible for the tax credit under this article a
12 business must operate an onsite composting bin or collect its
13 compostable garbage, landscape waste and unused food separate from
14 traditional garbage for transportation to a commercial composting
15 facility, as defined in section two, article fifteen, chapter
16 twenty-two of this code.

17 **§11-13BB-3. Amount of tax credit allowed.**

18 The amount of annual credit allowable under this article to an
19 eligible taxpayer is \$2,000 for complying with section two of this
20 article. This tax credit is applied to the tax year in which
21 composting was done and is not allowed to be carried over to future
22 tax years.

NOTE: The purpose of this bill is to provide businesses a tax

credit for composting certain types of garbage, landscape waste and food.

This article is new; therefore, strike-throughs and underscoring have been omitted.