

COMMITTEE SUBSTITUTE

for

H. B. 2268

(BY DELEGATE(S) HAMILTON, A. EVANS,
LYNCH, WAGNER, J. NELSON, CAMPBELL, HARTMAN,
SPONAUGLE, CANTERBURY, WILLIAMS AND ASHLEY)

(Originating in the Committee on Finance)

[February 23, 2015]

A BILL to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended, relating to reducing and terminating the severance tax on timber.

Be it enacted by the Legislature of West Virginia:

That §11-13A-3b of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.

§11-13A-3b. Imposition of tax on privilege of severing timber.

1 (a) *Imposition of tax.* — For the privilege of engaging or
2 continuing within this state in the business of severing timber for
3 sale, profit or commercial use, there is hereby levied and shall be
4 collected from every person exercising such privilege, an annual
5 privilege tax.

6 (b) *Rate and measure of tax.* — The tax imposed in
7 subsection (a) of this section shall be three and twenty-two
8 hundredths percent of the gross value of the timber produced, as
9 shown by the gross proceeds derived from the sale thereof by the
10 producer, except as otherwise provided in this article: *Provided,*
11 That as to timber produced after December 31, 2006 the rate of
12 the tax imposed in subsection (a) of this section shall be one and
13 twenty-two hundredths percent of the gross value of the timber
14 produced, as shown by the gross proceeds derived from the sale
15 thereof by the producer, except as otherwise provided in this
16 article, subject to the provisions of subsection (d) of this section.

17 (c) *Tax in addition to other taxes.* — The tax imposed by this
18 section shall apply to all persons severing timber in this state and
19 shall be in addition to all other taxes imposed by law.

20 (d) *Elimination of tax.* — Beginning in the tax year 2010 and
21 continuing until the imposition of the additional tax on the
22 privilege of severing timber imposed by subsection (c), section
23 four, article thirteen-v of this chapter expires under the authority
24 of subsection (g), section four, article thirteen-v of this chapter,
25 the tax imposed by this section is discontinued. On and after
26 expiration of the additional tax on the privilege of severing
27 timber imposed by subsection (c), section four, article thirteen-v
28 of this chapter, the tax imposed by this section resumes, and
29 shall apply to all persons severing timber in this state at the rate
30 of one ~~and twenty-two hundredths~~ percent of the gross value of
31 the timber produced, as shown by the gross proceeds derived
32 from the sale thereof by the producer, except as otherwise
33 provided in this article: *Provided, That after the end of twelve*
34 *months following the month in which the tax imposed by this*
35 *section resumes, the tax imposed by this section shall terminate*
36 *and expire.*

