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LEGISLATIVE SERVICES

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2776

(By Delegates Trump, Staton and Willison)



Passed March 11, 2000

In Effect Ninety Days from Passage

ELECTED

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COMMITTEE SUBSTITUTE

FOR

H. B. 2776

(BY DELEGATES TRUMP, STATON AND WILLISON)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to taxation of real property; and amending the definitions used in the managed timberland program to render ineligible for the managed timberland tax preference, property which is part an approved or exempted subdivision under a county planning ordinance and also to exclude from managed timberland treatment real estate which is restricted or zoned in a way that it cannot be used for the commercial production of timber.

Be it enacted by the Legislature of West Virginia:

That section two, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.

§11-1C-2. Definitions.

1 For the purposes of this article, the following words shall
2 have the meanings hereafter ascribed to them unless the context
3 clearly indicates otherwise:

4 (a) "Timberland" means any surface real property except
5 farm woodlots of not less than ten contiguous acres which is
6 primarily in forest and which, in consideration of their size, has
7 sufficient numbers of commercially valuable species of trees to
8 constitute at least forty percent normal stocking of forest trees
9 which are well distributed over the growing site.

10 (b) "Managed timberland" means surface real property,
11 except farm woodlots, of not less than ten contiguous acres
12 which is devoted primarily to forest use and which, in consider-
13 ation of their size, has sufficient numbers of commercially
14 valuable species of trees to constitute at least forty percent
15 normal stocking of forest trees which are well distributed over
16 the growing site, and that is managed pursuant to a plan
17 provided for in section ten of this article. *Provided*, That none
18 of the following may be considered as managed timberland
19 within the meaning of this article:

20 (1) Any tract or parcel of real estate, regardless of its size,
21 which is part of any subdivision that is approved or exempted
22 from approval pursuant to the provisions of a planning ordi-
23 nance adopted under the provisions of article twenty-four of
24 chapter eight of this code; or

25 (2) Any tract or parcel of real estate, regardless of its size,
26 which is subject to a deed restriction, deed covenant or zoning
27 regulation which limits the use of that real estate in a way that
28 precludes the commercial production and harvesting of timber
29 upon it.

30 (c) "Tax commissioner", "commissioner" or "tax depart-
31 ment" means the state tax commissioner or a designee of the
32 state tax commissioner.

33 (d) "Valuation commission" or "commission" means the
34 commission created in section three of this article.

35 (e) "County board of education" or "board" means the duly
36 elected board of education of each county.

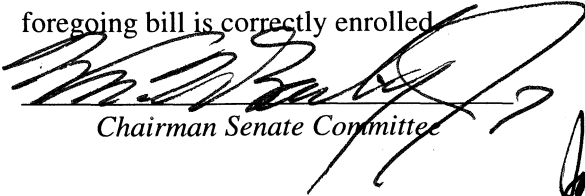
37 (f) "Farm woodlot" means that portion of a farm in timber
38 but may not include land used primarily for the growing of
39 timber for commercial purposes except that Christmas trees, or
40 nursery stock and woodland products, such as nuts or fruits
41 harvested for human consumption, shall be considered farm
42 products and not timber products.

43 (g) "Owner" means the person who is possessed of the
44 freehold, whether in fee or for life. A person seized or entitled
45 in fee subject to a mortgage or deed of trust securing a debt or
46 liability is deemed the owner until the mortgagee or trust takes
47 possession, after which such mortgagee or trustee shall be
48 deemed the owner. A person who has an equitable estate of
49 freehold, or is a purchaser of a freehold estate who is in
50 possession before transfer of legal title is also deemed the
51 owner.

52 The definitions in subdivisions (f) and (g) of this section
53 shall apply to tax years beginning on or after the first day of
54 January, two thousand one.

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



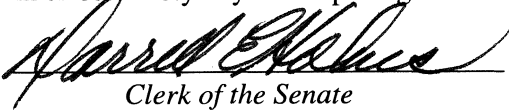
Chairman Senate Committee



Chairman House Committee

Originating in the House.

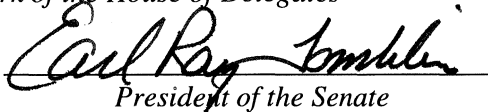
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

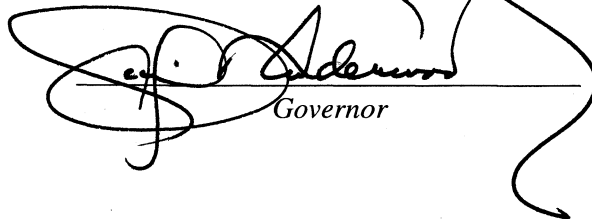


President of the Senate



Speaker of the House of Delegates

The within approved this the 22nd
day of March, 2000



Governor

PRESENTED TO THE

GOVERNOR

Date

3/18/00

Time

12:35 PM