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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4589

(By Delegates Frederick, Yeager,
Michael, Kominar, and Evans)



Passed March 11, 2000

In Effect April 1, 2000

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STATE OF WEST VIRGINIA
LEGISLATIVE DEPARTMENT

ENROLLED

H. B. 4589

(BY DELEGATES FREDERICK, YEAGER, MICHAEL,
KOMINAR, STALNAKER AND EVANS)

[Passed March 11, 2000; in effect April 1, 2000.]

AN ACT to amend and reenact section three, article twelve-b, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the minimum severance tax on coal; and providing that the minimum severance tax is not imposed on coal mined from thin seams on which the reduced severance tax rate imposed.

Be it enacted by the Legislature of West Virginia:

That section three, article twelve-b, 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 12B. MINIMUM SEVERANCE TAX ON COAL.

§11-12B-3. Imposition of tax, credit.

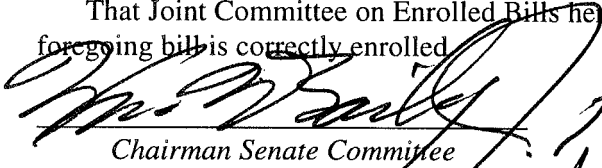
- 1 (a) *Imposition of tax.* — Upon every person exercising the
- 2 privilege of engaging within this state in severing, extracting,
- 3 reducing to possession or producing coal for sale, profit or
- 4 commercial use, there is hereby imposed an annual minimum

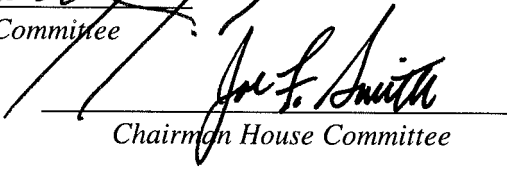
5 severance tax equal to fifty cents per ton of coal produced by
6 the taxpayer for sale, profit or commercial use during the
7 taxable year: *Provided*, That for taxable years ending after the
8 thirty-first day of May, one thousand nine hundred ninety-three,
9 the minimum severance tax imposed on coal produced by the
10 taxpayer for sale, profit or commercial use during such taxable
11 year shall be seventy-five cents per ton, with such rate increase
12 to apply only to tons of coal produced after the thirty-first day
13 of May, one thousand nine hundred ninety-three: *Provided*,
14 *however*, That for taxable years ending after the thirty-first day
15 of December, one thousand nine hundred ninety-nine, the
16 minimum severance tax on coal may not be imposed on any ton
17 of coal produced on or after the first day of April, two thousand,
18 on which the severance tax is imposed by the provisions of
19 subsection (f), section three, article thirteen-a of this chapter.

20 (b) *Credit against article thirteen-a tax.* — A person who
21 pays the minimum severance tax imposed by this article shall
22 be allowed a credit against the severance tax imposed on the
23 privilege of producing coal by section three, article thirteen-a
24 of this chapter, but not including the additional severance tax on
25 coal imposed by section six of article thirteen-a of this chapter
26 or, for taxable years ending after the thirty-first day of Decem-
27 ber, one thousand nine hundred ninety-nine, the severance tax
28 imposed by the provisions of subsection (f), section three,
29 article thirteen-a of this chapter on coal produced on or after the
30 first day of April, two thousand. The amount of credit allowed
31 shall be equal to the liability of the taxpayer for the taxable year
32 for payment of the minimum severance tax on coal imposed by
33 this article: *Provided*, That the amount of credit allowed by this
34 section may not exceed the severance tax liability of the
35 taxpayer for the taxable year determined under section three of
36 that article exclusive of the additional tax on coal imposed by
37 section six of that article and, for taxable years ending after the
38 thirty-first day of December, one thousand nine hundred ninety-
39 nine, of the severance tax imposed by the provisions of subsec-

40 tion (f), section three, article thirteen-a of this chapter on coal
41 produced on or after the first day of April, two thousand after
42 application of all credits to which the taxpayer may be entitled
43 except any credit allowed pursuant to chapter five-e of this
44 code, any credit for installment payments of estimated tax paid
45 pursuant to section six of this article during the taxable year and
46 any credit for overpayment of article thirteen-a tax. Notwith-
47 standing anything herein to the contrary, in no event may the
48 credit allowed under chapter five-e of this code be allowed as
49 a credit against the minimum severance tax imposed by this
50 article.

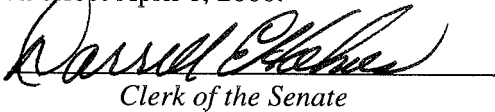
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled

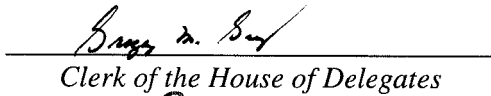

Chairman Senate Committee

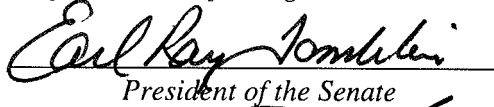

Chairman House Committee

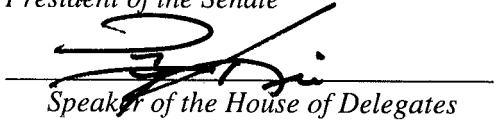
Originating in the House.

In effect April 1, 2000.

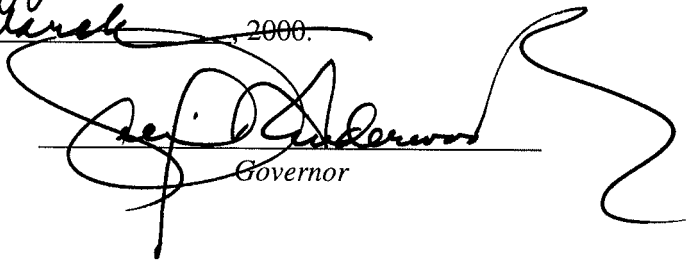

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 3/30
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/00

Time 3:15pm