

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for

HOUSE BILL No. 1649

(By Mr. Bird & Mrs. Farley)



PASSED March 11, 1978

In Effect - from - Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1649

(By MR. BIRD and MR. FARLEY)

[Passed March 11, 1978; in effect from passage.]

AN ACT to amend and reenact section three, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exemptions from the business and occupation tax; modifying exemption for gross income of coal gasification and liquification projects to require prior certification of eligibility by tax commissioner; including privately-funded projects within the exemption and providing for expiration of the exemption.

Be it enacted by the Legislature of West Virginia:

That section three, article thirteen, 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 13. BUSINESS AND OCCUPATION TAX.

§11-13-3. Exemptions.

1 There shall be an exemption in every case of fifty dollars
2 in amount of tax computed under the provisions of this
3 article. A person exercising a privilege taxable hereunder for
4 a fractional part of a tax year shall be entitled to an exemption
5 of the sum bearing the proportion to fifty dollars that the
6 period of time the privilege is exercised bears to a whole year.

7 Only one exemption shall be allowed to any one person,
8 whether he exercises one or more privileges taxable hereunder.

9 The provisions of the article shall not apply to: (a) Insurance
10 companies which pay the state of West Virginia a tax upon
11 premiums: *Provided*, That said exemption shall not extend to
12 that part of the gross income of insurance companies which
13 is received for the use of real property, other than property
14 in which any such company maintains its office or offices,
15 in this state, whether such income be in the form of rentals
16 or royalties; (b) nonprofit cemetery companies organized and
17 operated for the exclusive benefit of their members; (c) fraternal
18 societies, organizations and associations organized and
19 operated for the exclusive benefit of their members and not
20 for profit: *Provided, however*, That said exemption shall not
21 extend to that part of the gross income arising from the sale
22 of alcoholic liquor, food and related services, of such fraternal
23 societies, organizations and associations which are
24 licensed as private clubs under the provisions of article seven,
25 chapter sixty of this code; (d) corporations, associations and
26 societies organized and operated exclusively for religious or
27 charitable purposes; (e) production credit association, organized
28 under the provisions of the federal "Farm Credit Act of
29 1933"; (f) any credit union organized under the provisions of
30 chapter thirty-one, or any other chapter of this code: *Provided further*,
31 That the exemptions of this section shall not
32 apply to corporations or cooperative associations organized
33 under the provisions of article four, chapter nineteen of this
34 code; (g) gross income derived from advertising service
35 rendered in the business of radio and television broadcasting;
36 and (h) the gross income or gross proceeds of sale of a
37 gasification or liquification of coal project in the demonstration,
38 pilot or research stages: *Provided*, That prior to the commencement
39 of operation of any such project, the tax commissioner shall have first
40 certified the project as eligible for such exemption: *Provided, however*,
41 That such exemption shall
42 expire seven years from the date the project first receives gross
43 income or gross proceeds from sales.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut, Jr.
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. C. Dillon, Jr.
Clerk of the Senate

C. A. Blenkinsop
Clerk of the House of Delegates

W. T. Bratherton, Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rhyne, Jr.
Governor

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 10:45 A.M.

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SECY. OF STATE