

SB 310

FILED

2015 MAR 27 A 11: 16

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE



ENROLLED

Senate Bill No. 310

(BY SENATORS SYPOLT, WILLIAMS AND NOHE)

[PASSED MARCH 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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Senate Bill No. 310

(BY SENATORS SYPOLT, WILLIAMS AND NOHE)

[Passed March 14, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §11-13-3 of the Code of West Virginia, 1931, as amended, relating to exempting nonprofit public utility companies from the West Virginia Business and Occupation Tax.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 13. BUSINESS AND OCCUPATION TAX.

§11-13-3. Exemptions; annual exemption and periods thereof.

- 1 (a) *Monthly exemption.* – For any tax imposed under the
- 2 provisions of this article with respect to any period beginning
- 3 on or after July 1, 1985, there is an exemption in every case
- 4 of \$41.67 per month in amount of tax computed under the
- 5 provisions of this article. Only one exemption is allowed to
- 6 any one person, whether the person exercises one or more
- 7 privileges taxable hereunder.

8 (b) *Exemptions from tax.* – The provisions of this article
9 do not apply to:

10 (1) Insurance companies which pay the State of West
11 Virginia a tax upon premiums: *Provided*, That the exemption
12 does not extend to that part of the gross income of insurance
13 companies which is received for the use of real property,
14 other than property in which any company maintains its
15 office or offices, in this state, whether the income is in the
16 form of rentals or royalties;

17 (2) Nonprofit cemetery companies organized and
18 operated for the exclusive benefit of their members;

19 (3) Fraternal societies, organizations and associations
20 organized and operated for the exclusive benefit of their
21 members and not for profit: *Provided*, That the exemption
22 does not extend to that part of the gross income arising from
23 the sale of alcoholic liquor, food and related services of
24 fraternal societies, organizations and associations which are
25 licensed as private clubs under the provisions of article seven,
26 chapter sixty of this code;

27 (4) Corporations, associations and societies organized and
28 operated exclusively for religious or charitable purposes and
29 production credit associations, organized under the provisions
30 of the federal Farm Credit Act of 1933;

31 (5) Any credit union organized under the provisions of
32 chapter thirty-one of this code or any other chapter of this code:
33 *Provided*, That the exemptions of this section do not apply to
34 corporations or cooperative associations organized under the
35 provisions of article four, chapter nineteen of this code;

36 (6) Gross income derived from advertising service
37 rendered in the business of radio and television broadcasting;

38 (7) Gross income of a nonprofit homeowners' association
39 received from assessments on its members for community
40 services such as road maintenance, common area
41 maintenance, water service, sewage service and security
42 service; and

43 (8) Nonprofit water and sewer companies governed by
44 the Public Service Commission of West Virginia and
45 organized and operated for the exclusive benefit of their
46 members.

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

Mark R. Raymond
.....
Chairman Senate Committee

John B. Hill
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Mark A. Barnes
.....
Clerk of the Senate

Stephen J. Hordis
.....
Clerk of the House of Delegates

Phillip H. White
.....
President of the Senate

Robert E. Bell
.....
Speaker of the House of Delegates

The within *is approved* this the *27th*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2015

Time 10:11 AM