

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #4

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Nov 17 2 49 PM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: State Tax Commission TITLE NUMBER: 110

CITE AUTHORITY W. Va. Code §§ 11-13N-7,8 and 10 and 11-13O-7, 8 and 10

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 13N

TITLE OF RULE BEING PROPOSED: Tax Credits For New Steel, Aluminum or Polymer

Manufacturing Operations

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
Robin C. Capehart, Cabinet Secretary

\$3.40

FILED

TITLE 110  
MODIFIED  
WEST VIRGINIA LEGISLATIVE RULE  
DEPARTMENT OF TAX AND REVENUE  
STATE TAX COMMISSION

Nov 17 2 49 PM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 13N  
TAX CREDITS FOR NEW STEEL, ALUMINUM  
OR POLYMER MANUFACTURING OPERATIONS

§ 110-13N-1. General.

1.1 **Scope.** -- This legislative rule supplements W. Va. Code §§ 11-13N-1 et seq., (Tax Credit for New Steel Manufacturing Operations) and 11-13O-1 et seq. (Tax Credit for New Aluminum or Polymer Manufacturing Operations) which require the Tax Commissioner to prescribe a method for apportionment of the credit available between a predecessor and a successor taxpayer with different taxable years upon occurrence of a merger and which authorize the Tax Commissioner to prescribe any other rules necessary to claim the credit.

1.2 **Authority.** -- W. Va. Code §§ 11-13N-7, 8 and 10, and W. Va. Code § 11-13O-7, 8 and 10.

1.3 **Filing Date.** --

1.4 **Effective Date.** --

§ 110-13N-2. Definitions.

The following terms defined in section two of W. Va. Code §§ 11-13N and 13O are explained, illustrated or clarified by the subsections immediately below them:

2.1 **"Affiliate"** means and includes all persons, as defined in this section, which are affiliates of each other, when either directly or indirectly:

(A) One person controls or has the power to control the other, or

(B) A third party or third parties control or have the power to control two persons, the two thus being affiliates. In determining whether concerns are independently owned and operated and whether or not an affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management and contractual relationships.

2.1.1 The term "affiliate" includes a member of an affiliated group.

2.2 **“Corporation”** includes any corporation, a joint-stock company and any association or other organization which is classified as a corporation under federal income tax law.

2.2.1 The term "corporation" includes a limited liability company if it is taxable as a corporation under federal income tax law.

2.3 **“Full-time employee”** means a permanent hourly employee of an eligible taxpayer, who is a West Virginia domiciled resident, and works in a new consumer-ready wood product manufacturing facility in this State, or in a new consumer-ready wood product line of an existing manufacturing facility in this State, more than eighteen hundred hours during the entire twelve-month period ending on the last day of the taxable year of the eligible employer, whether these hours are hours worked at the manufacturing facility, or include hours of employer paid vacation leave or other employer paid leave. Full-time employee does not include an employee who is a part-time, seasonal or temporary employee.

2.3.1 No combination of part-time, seasonal or temporary employees may be considered equivalent to a full-time employee.

2.3.2 No person who is not an employee (such as an independent contractor) may be considered a full-time employee.

2.3.3 An employee who moves to West Virginia in order to become a West Virginia domiciled resident in order to fill a new job may be counted as a full-time employee if he or she otherwise qualifies as a full-time employee.

2.4 **“Partnership”** means and includes a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, which is classified as a partnership for federal income tax purposes for the taxable year.

2.4.1 The term "partnership" may include a limited liability company if it is not taxable as a corporation under federal income tax law.

2.5 **“Tax year or taxable year”** means the tax year of the taxpayer for federal income tax purposes.

2.5.1 The term "tax year" includes a short tax year by an eligible taxpayer during its first year of operation.

**§ 110-13M-3. Overview of the credits.**

3.1 The purpose of the credits is to encourage capital investment in the manufacturing of steel, aluminum or polymer value added products ("value added products") in this State. This rule applies only to the manufacturing of those products.

3.2 The credits are available to eligible taxpayers to claim against that portion of their Business Franchise Tax and Personal Income Tax or Corporation Net Income Tax for tax years beginning on or after July 1, 1998, which is directly attributable to a new product manufacturing facility located in this State and to a new production line at an existing manufacturing facility located in this State, which first begins manufacturing value added products after June 30, 1998.

3.3 The credit for steel manufacturing is scheduled to expire July 1, 2005. The credit for aluminum and polymer manufacturing is scheduled to expire July 1, 2002.

3.4 The total amount of credit allowable is two hundred fifty dollars (\$250) for each new full-time job created in a product manufacturing facility or in a new product line of an existing manufacturing facility.

3.4.1 The full \$250 per new job is available only when the new job exists for an entire year. Otherwise, the amount of credit allowed is prorated as provided by W. Va. Code §§ 11-13N-4 or 11-13O-4.

**§ 110-13N-4. Application of the credit.**

4.1 This credit may be applied only after all other allowable credits are applied.

4.2 This credit shall be applied against an eligible taxpayer's Business Franchise Tax liability before any remaining credit may be applied against that taxpayer's Personal Income Tax or Corporation Net Income Tax liability.

4.2.1 In no event may any remaining credit be applied against both Personal Income Tax liability and Corporation Net Income Tax liability.

4.2.2 In no event may the credit applied exceed the eligible taxpayer's liability for Business Franchise Tax and Personal Income Tax or Corporation Net Income Tax for the tax year.

4.3 Any amount of credit allowed which remains after being applied against eligible taxes for the tax year in which the new full-time jobs were created is forfeited and may not be used in any prior tax year.

4.3.1 However, any amount of steel manufacturing credit (but not aluminum or polymer credit) which remains after being applied for the tax year in which new full-time jobs were created may be carried over and used in the next tax year, for

each of the next five tax years or until no credit remains because it has all been used or because the credit has expired.

4.4 If a taxpayer does not claim the credit in the first tax year when it is available to be used, it is forfeited and may not be used in any other tax year. However, the unclaimed credit is not forfeited if it is subsequently claimed for that first year on a timely filed amended return.

4.5 The credit may be claimed only by one taxpayer for a given period of time, and may not be assigned to any other taxpayer. However, a husband and wife filing a joint personal income tax return may both claim the credit if either or both of them is an eligible taxpayer, to the extent provided for in Subsection 3.2 of this rule.

4.5.1 If an eligible taxpayer is a member of an affiliated group that files its Business Franchise Tax return on a consolidated basis, the affiliated group may claim the credit to the extent provided for in Subsection 3.2 of this rule. However, each affiliate shall file a pro forma federal income tax return and an information return for each tax against which this tax credit is claimed, unless the Tax Commissioner requires filing on a separate basis based on a finding that a deconsolidated filing would be more appropriate for ascertaining an accurate and realistic determination of the new jobs created.

**§ 110-13N-5. Annual computation of new jobs held by full-time employees.**

5.1 Because all eligible taxpayers are to be treated equally and uniformly, the Tax Commissioner finds that all eligible taxpayers in the business of manufacturing value-added products shall use the same method prescribed by W. Va. Code § 11-13M-7 for determining the number of jobs held by full-time employees in the taxable year. However, the number of new jobs filled during the taxable year by full-time employees of the eligible taxpayer shall reflect actual new jobs in this State; that is, that number may not exceed the net increase in this State of full-time jobs held by all employees in all types of business activities of the taxpayer.

5.2 Individuals holding new jobs may be replaced by other individuals, the job title applicable to those new jobs may be changed, and even the job functions may change without adversely affecting the determination of new jobs, as long as adequate documentation is maintained by the eligible taxpayer so that the validity of changes are traceable and verifiable.

**§ 110-13N-6. Availability of credit between eligible predecessor and successor taxpayers.**

6.1 When an eligible taxpayer merges with another entity and the resulting entity remains an eligible taxpayer, but the taxable year of the predecessor eligible taxpayer and the taxable year of the successor eligible taxpayer are different, the amount of

credit available to the predecessor is the amount available if the tax years were not different. However, the amount of credit apportioned to the successor is limited to that portion of the predecessor's credit which remains, multiplied by a fraction the numerator of which is the number of days during the same tax year of the successor which coincide with the calendar days remaining in the tax year of the predecessor if it had not merged, and the denominator of which is the number of days remaining in the same tax year of the predecessor if it had not merged. If any of the predecessor's credit which remains cannot be used by the successor in the same tax year, it is forfeited and may not be carried over or carried back to any other tax year.

6.2 No recapture or loss of credit shall occur merely as a result of a change in the form of conducting the business as long as the successor entity is also an eligible taxpayer, and the successor is entitled to all of the credit for the tax year in which the change occurred.

6.2.1 A change in the form of conducting business is a change in the type of business entity, such as a change from a C corporation to an S corporation or a limited liability company, or from a sole proprietorship to a C or S corporation, limited liability company or partnership.

**§ 110-13N-7. Credit recapture for improperly claiming the credit or for excessive jobs loss.**

7.1 If an eligible taxpayer permanently or indefinitely ceases operation of its new value added product line or manufacturing facility, the credit is subject to recapture because the number of individuals employed in full-time jobs by the employer will have decreased by more than ten percent (10%). W. Va. Code §§ 11-13N-9 and 11-13O-9.

7.2 When the eligible taxpayer is a partnership, limited liability company or S corporation, the recapture tax shall be paid by the partners, members or shareholders in the same proportion that they claimed the credit during the tax year in which recapture occurs, but any recapture tax liability not satisfied by one or more partners, members or shareholders becomes the joint and several liability of them all.

7.3 Penalties and additions to tax caused by a decrease of more than ten percent (10%) in the number of individuals employed in full-time positions may be waived by the Tax Commissioner, in whole or in part, at the discretion of the Tax Commissioner, only when the taxpayer demonstrates that the decrease is due to reasonable cause.

7.3.1 Reasonable cause includes loss of new jobs as a result of fire, flood, storm or other casualty; theft or embezzlement; an economic recession or depression which adversely decreases the demand for new value added products; or any other cause approved by the Tax Commissioner.

7.3.2 Reasonable cause does not include loss of new jobs as a result of transferring jobs to another kind of manufacturing facility or another product line or to another location outside this State.

**§ 110-13M-8. General Procedure and Administration.**

8.1 To claim this credit, a taxpayer shall comply with the provisions of W. Va. Code § 11-13M-1 et seq. and this rule, and shall timely provide complete and accurate forms, schedules and other information required by the Tax Commissioner.

8.1.1 The taxpayer shall file required forms, schedules and information requested by the Tax Commissioner by the due date of the return for the taxes against which the credit is to be applied, with regard to any extension of time for filing but without regard to any extension of time for payment.

8.2 When applying for this credit, a taxpayer is also subject to the provisions of W. Va. Code § 11-21-1 et seq. (Personal Income Tax), W. Va. Code § 11-23-1 et seq. (Business Franchise Tax) and W. Va. Code § 11-24-1 et seq. (Corporation Net Income Tax) and rules issued pursuant to those statutes, as well as to the provisions of W. Va. Code § 11-10-1 et seq. (Procedure and Administration) which provide for administration of those taxes.

8.3 A taxpayer which does not maintain the records required to verify the validity of its eligibility for the credit and the accuracy of the amount of credit claimed may be denied credit or be subject to recapture to the extent the eligibility and accuracy are not substantiated by its records.

8.4 A taxpayer filing on a short tax year basis for its first tax year shall calculate its new jobs filled during the tax year by full-time employees by calculating the average number of new jobs held by full-time employees for each month of the short tax year by averaging the beginning and ending monthly employment of full-time employees holding new jobs, then totaling the monthly averages and dividing that total by the number of months in the short tax year.



FILED

Nov 16 12 16 PM '98

**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

*State Capitol - Room MB-49*  
*Charleston, West Virginia 25305*  
*Phone: (304) 347-4840*  
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*November 12, 1998*

*Senator Mike Ross, Co-Chairman*  
*Delegate Mark Hunt, Co-Chairman*  
*Debra A. Graham, Counsel*

*Joseph A. Altizer, Associate Counsel*  
*Rita Pauley, Associate Counsel*  
*Teri Anderson, Administrative Assistant*

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Keith Larson  
State Tax Commission  
Capitol Complex  
Building 1, Room 400-W

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Tax Credits for New Steel, Aluminum and Polymer Manufacturing Operations, 110CSR13N**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule  
(a) as originally filed \_\_\_\_\_  
(b) as modified by the agency       ✓
2. Authorize the agency to promulgate part of the Legislative rule;  
a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with  
certain amendments; amendments and a statement of reasons  
for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as  
modified with certain amendments; amendments and a  
statement of reasons for such recommendation is attached. \_\_\_\_\_

ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** State Tax Commission

**Subject:** Tax Credits for New Steel, Aluminum and Polymer Manufacturing Operations, 110CSR13N

PERTINENT DATES

Filed for public comment: June 2, 1998  
Public comment period ended: July 2, 1998  
Filed following public comment period: July 21, 1998  
Filed LRMRC: July 21, 1998  
Filed as emergency:  
Fiscal Impact: None

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

AUG 3 10 23 AM '98

FILED

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 provides an overview of the credit. The credit may be taken against that portion of an eligible taxpayer's Business Franchise Tax and Personal Income Tax or Corporation Net Tax for tax years beginning after July 1, 1999, which is attributable to a new product manufacturing facility located in this state or a new production line located in this state which first begins manufacturing value added products after June 30, 1999. The credit of \$250 for each new full-time job created expires July 1, 2002, for aluminum and polymer manufacturing and July 1, 2005, for steel manufacturing.

Section 4 sets forth the application of the credit. It provides that the credit must first be taken against the taxpayer's Business Franchise Tax and then the remainder may be taken against either the taxpayer's Personal Income Tax or Corporation Net Tax, but not both. It provides that any remaining tax credit may not be

used for a prior tax year, but any amount of steel manufacturing credit may be carried over.

Section 5 provides that the number of new jobs shall be determined in the same manner that it is for other taxpayers in the business of manufacturing value-added products.

Section 6 sets forth the method of determining the apportionment of the credit where two entities merge and the predecessor and successor taxpayer have different tax years.

Section 7 provides that where an eligible taxpayer permanently or indefinitely ceases operation, the credit is subject to recapture. It permits the Commissioner to waive penalties or additions to tax caused by a decrease of more than 10% in the number of full-time positions when the taxpayer demonstrates that the decrease is due to reasonable cause.

Section 8 sets forth the procedure for claiming the credit. It also specifies the method of calculating full-time jobs to be used by a taxpayer filing on a short tax year basis.

Section 9 is an unnecessary severability section.

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**AUTHORITY**

Statutory authority: W.Va. Code, §§11-13N-7, 8 & 10 & 11-130-7, 8 & 10, which provide, in part, as follows:

§11-13N-7.

...(d) The tax commissioner may prescribe by rule alternative methods for determining the number of jobs held by full-time permanent employees in the taxable year upon a finding by the tax commissioner that an alternative method is appropriate for ascertaining an accurate and realistic determination of new jobs held by full-time employees in the taxable year. For purposes of prescribing alternative methods, the tax commissioner may require the deduction or inclusion of jobs in place with contract service providers that provide or at any time provided any service to any eligible taxpayer or to any member of the affiliated group related to any eligible taxpayer or to any one or more entities related to the

eligible taxpayer: *Provided*, That deduction, or inclusion of those jobs shall only pertain to jobs held by employees of the contract service provider that are attributable or that were formerly attributable to the service provided by the contract service provider to the taxpayer...

§11-13N-8.

...(2) The amount of credit available in any taxable year during which a merger occurs shall be apportioned between the predecessor eligible taxpayer and the successor eligible taxpayer based on the number of days during the taxable year that each taxpayer acted as the legal employer of employees holding the new jobs upon which the credit allowed under this article is based and the number of days during the taxable year that each owned the transferred business assets: *Provided*, That when the taxable year of the predecessor eligible taxpayer and the taxable year of the successor eligible taxpayer are different, the apportionment shall be made in accordance with legislative rules prescribed by the tax commissioner...

§11-13N-10.

The tax commissioner may prescribe such rules as may be necessary to carry out the purposes of this article, including, but not limited to, rules relating to applicability of credit, method of claiming of credit, credit recapture, documentation necessary to claim credit and rules preventing abuse of this article by related persons or by change in the form of doing business. All rules promulgated under this article shall be promulgated in accordance with article three, chapter twenty-nine-a of this code.

§11-130-7.

...(2) The amount of credit available in any taxable year during which a merger occurs shall be apportioned between the predecessor eligible taxpayer and the successor eligible taxpayer based on the number of days during the taxable year that each taxpayer acted as the legal employer of employees holding the new jobs upon which the credit allowed under this article is based and the number of days during the taxable year that each owned the transferred business assets: *Provided*, That when the taxable year of the predecessor eligible taxpayer and the taxable year of the

successor eligible taxpayer are different, the apportionment shall be made in accordance with legislative rules prescribed by the tax commissioner...

§11-130-8.

...(2) The amount of credit available in any taxable year during which a merger occurs shall be apportioned between the predecessor eligible taxpayer and the successor eligible taxpayer based on the number of days during the taxable year that each taxpayer acted as the legal employer of employees holding the new jobs upon which the credit allowed under this article is based and the number of days during the taxable year that each owned the transferred business assets: *Provided*, That when the taxable year of the predecessor eligible taxpayer and the taxable year of the successor eligible taxpayer are different, the apportionment shall be made in accordance with legislative rules prescribed by the tax commissioner...

§11-130-10.

The tax commission may prescribe such rules as may be necessary to carry out the purposes of this article, including, but not limited to, rules relating to applicability of credit, method of claiming credit, credit recapture, documentation necessary to claim credit and rules preventing abuse of this article by related persons or by change in the form of doing business. All rules promulgated under this article shall be promulgated in accordance with article three, chapter twenty-nine-a of this code.

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ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.

43 objections of the legislative rule-making review committee and  
44 refiled in the state register on the seventeenth day of November,  
45 one thousand nine hundred ninety-eight, relating to the state tax  
46 commissioner (electronic data processing system network for  
47 property tax administration, 110 CSR 2), is authorized.

48 (e) The legislative rule filed in the state register on the  
49 twenty-first day of July, one thousand nine hundred ninety-  
50 eight, authorized under the authority of section five, article six-  
51 f, chapter eleven of this code, modified by the state tax commis-  
52 sioner to meet the objections of the legislative rule-making  
53 review committee and refiled in the state register on the seventh  
54 day of January, one thousand nine hundred ninety-nine, relating  
55 to the state tax commissioner (property tax valuation of certain  
56 manufacturing property, 110 CSR 6F), is authorized.

57 (f) The legislative rule filed in the state register on the  
58 twenty-first day of July, one thousand nine hundred ninety-  
59 eight, authorized under the authority of sections seven, eight  
60 and ten, article thirteen-m, chapter eleven of this code, modified  
61 by the state tax commissioner to meet the objections of the  
62 legislative rule-making review committee and refiled in the  
63 state register on the seventeenth day of November, one thou-  
64 sand nine hundred ninety-eight, relating to the state tax com-  
65 missioner (tax credits for new value-added wood manufacturing  
66 facilities, 110 CSR 13M), is authorized.

67 (g) The legislative rule filed in the state register on the  
68 twenty-first day of July, one thousand nine hundred ninety-  
69 eight, authorized under the authority of sections seven, eight  
70 and ten, article thirteen-n, and sections seven, eight and ten,  
71 article thirteen-o, chapter eleven of this code, modified by the  
72 state tax commissioner to meet the objections of the legislative  
73 rule-making review committee and refiled in the state register  
74 on the seventeenth day of November, one thousand nine  
75 hundred ninety-eight, relating to the state tax commissioner (tax  
76 credits for new steel, aluminum or polymer manufacturing  
77 operations, 110 CSR 13N), is authorized with the amendment  
78 set forth below:

79 "On page 2, section 2.3 by striking out the entire section  
80 and inserting in lieu thereof the words "2.3 "Full-time em-  
81 ployee" means a permanent hourly employee of an eligible  
82 taxpayer, who is a West Virginia domiciled resident, and works  
83 in a new value-added steel product manufacturing facility in  
84 this state, or in a new value-added steel product line of an  
85 existing manufacturing facility in this state, more than eighteen  
86 hundred hours during the entire twelve-month period ending on  
87 the last day of the taxable year of the eligible employer,  
88 whether these hours are hours worked at the manufacturing  
89 facility, or include hours of employer paid vacation leave or  
90 other employer paid leave. Full-time employee does not include  
91 an employee who is a part-time, seasonal or temporary em-  
92 ployee."

93 And,

94 On page four, section 5.1, following the word "Code" by  
95 striking out "§11-13M-7" and inserting in lieu thereof "§11-  
96 13N-7".

97 (h) The legislative rule filed in the state register on the  
98 twenty-ninth day of July, one thousand nine hundred ninety-  
99 eight, authorized under the authority of section eleven-b, article  
100 one-c, chapter eleven of this code, modified by the state tax  
101 commissioner to meet the objections of the legislative rule-  
102 making review committee and refiled in the state register on the  
103 seventeenth day of November, one thousand nine hundred  
104 ninety-eight, relating to the state tax commissioner (value of  
105 timberland and managed timberland, 110 CSR 1H), is autho-  
106 rized with the amendment set forth below:

107 "on page 7, section 10, by inserting the following sentence  
108 at the end of the section:

109 'In no case may managed timberland values for Class III  
110 and IV property be lower than \$225 per acre for Grade 1; \$150  
111 per acre for Grade 2; \$75 per acre for Grade 3, and Class II  
112 properties may not be lower than \$200 per acre for Grade 1;  
113 \$140 per acre for Grade 2; and \$50 per acre for Grade 3.'

114 (i) The legislative rule filed in the state register on the  
115 twenty-ninth day of July, one thousand nine hundred ninety-