WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2005

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3012

(By Mr. Speaker, Mr. Kiss, and Delegates Michael, Kominar, H. White and Palumbo)

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Passed April 6, 2005

In Effect from Passage
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H. B. 3012

(BY MR. SPEAKER, MR. KISS, AND DELEGATES
MICHAEL, KOMINAR, H. WHITE AND PALUMBO)

[Passed April 6, 2005; in effect From Passage.]

AN ACT to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting property acquired by lease purchase agreement by the state, a county, district, city, village, town or other political subdivision, state college or university, from property tax.

Be it enacted by the Legislature of West Virginia:

That §11-3-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-9. Property exempt from taxation.
(a) All property, real and personal, described in this subsection, and to the extent herein limited, is exempt from taxation:

(1) Property belonging to the United States, other than property permitted by the United States to be taxed under state law;

(2) Property belonging exclusively to the state;

(3) Property belonging exclusively to any county, district, city, village or town in this state, and used for public purposes;

(4) Property located in this state, belonging to any city, town, village, county or any other political subdivision of another state, and used for public purposes;

(5) Property used exclusively for divine worship;

(6) Parsonages and the household goods and furniture pertaining thereto;

(7) Mortgages, bonds and other evidence of indebtedness in the hands of bona fide owners and holders hereafter issued and sold by churches and religious societies for the purposes of securing money to be used in the erection of church buildings used exclusively for divine worship, or for the purpose of paying indebtedness thereon;

(8) Cemeteries;

(9) Property belonging to, or held in trust for, colleges, seminaries, academies and free schools, if used for educational, literary or scientific purposes, including books, apparatus, annuities and furniture;

(10) Property belonging to, or held in trust for, colleges or universities located in West Virginia, or any public or private
nonprofit foundation or corporation which receives contributions exclusively for such college or university, if the property or dividends, interest, rents or royalties derived therefrom are used or devoted to educational purposes of such college or university;

(11) Public and family libraries;

(12) Property used for charitable purposes, and not held or leased out for profit;

(13) Property used for the public purposes of distributing water or natural gas, or providing sewer service by a duly chartered nonprofit corporation when such property is not held, leased out or used for profit;

(14) Property used for area economic development purposes by nonprofit corporations when such property is not leased out for profit;

(15) All real estate not exceeding one acre in extent, and the buildings thereon, used exclusively by any college or university society as a literary hall, or as a dormitory or clubroom, if not used with a view to profit, including, but not limited to, property owned by a fraternity or sorority organization affiliated with a university or college, or property owned by a nonprofit housing corporation or similar entity on behalf of a fraternity or sorority organization affiliated with a university or college, when the property is used as residential accommodations, or as a dormitory for members of the organization;

(16) All property belonging to benevolent associations, not conducted for private profit;

(17) Property belonging to any public institution for the education of the deaf, dumb or blind, or any hospital not held or leased out for profit;
(18) Houses of refuge and mental health facility or orphanage;

(19) Homes for children or for the aged, friendless or infirm, not conducted for private profit;

(20) Fire engines and implements for extinguishing fires, and property used exclusively for the safekeeping thereof, and for the meeting of fire companies;

(21) All property on hand to be used in the subsistence of livestock on hand at the commencement of the assessment year;

(22) Household goods to the value of two hundred dollars, whether or not held or used for profit;

(23) Bank deposits and money;

(24) Household goods, which for purposes of this section means only personal property and household goods commonly found within the house and items used to care for the house and its surrounding property, when not held or used for profit;

(25) Personal effects, which for purposes of this section means only articles and items of personal property commonly worn on or about the human body, or carried by a person and normally thought to be associated with the person when not held or used for profit;

(26) Dead victuals laid away for family use;

(27) All property belonging to the state, any county, district, city, village, town or other political subdivision, or any state college or university which is subject to a lease purchase agreement and which provides that, during the term of the lease purchase agreement, title to the leased property rests in the
lessee so long as lessee is not in default or shall not have
terminated the lease as to the property; and

(28) Any other property or security exempted by any other
provision of law.

(b) Notwithstanding the provisions of subsection (a) of this
section, no property is exempt from taxation which has been
 purchased or procured for the purpose of evading taxation,
whether temporarily holding the same over the first day of the
assessment year or otherwise.

(c) Real property which is exempt from taxation by
subsection (a) of this section shall be entered upon the asses-
or’s books, together with the true and actual value thereof, but
no taxes may be levied upon the property or extended upon the
assessor’s books.

(d) Notwithstanding any other provisions of this section,
this section does not exempt from taxation any property owned
by, or held in trust for, educational, literary, scientific, religious
or other charitable corporations or organizations, including any
public or private nonprofit foundation or corporation existing
for the support of any college or university located in West
Virginia, unless such property, or the dividends, interest, rents
or royalties derived therefrom, is used primarily and immedi-
ately for the purposes of the corporations or organizations.

(e) The Tax Commissioner shall, by issuance of rules,
provide each assessor with guidelines to ensure uniform
assessment practices statewide to effect the intent of this
section.

(f) Inasmuch as there is litigation pending regarding
application of this section to property held by fraternities and
sororities, amendments to this section enacted in the year one
thousand nine hundred ninety-eight shall apply to all cases and
controversies pending on the date of such enactment.

(g) The amendment to subdivision (27), subsection (a) of
this section, passed during the two thousand five regular session
of the Legislature, shall apply to all applicable lease purchase
agreements in existence upon the effective date of the amend-
ment.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ___ day of April, 2005.

Governor