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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

SENATE BILL NO. 741

(By Senator Helmick, et al)

PASSED April 9, 2005

In Effect 90 days from Passage

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Senate Bill No. 741

(BY SENATORS HELMICK, FACEMYER, SHARPE, PREZIOSO,
PLYMALE, EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER,
MINEAR, BOLEY, YODER, GUILLS AND SPROUSE)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting farming equipment and livestock from personal property taxation.

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.

1 (a) All property, real and personal, described in this
2 subsection, and to the extent herein limited, is exempt
3 from taxation:

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

- 7 (2) Property belonging exclusively to the state;
- 8 (3) Property belonging exclusively to any county,
9 district, city, village or town in this state, and used for
10 public purposes;
- 11 (4) Property located in this state, belonging to any city,
12 town, village, county or any other political subdivision of
13 another state, and used for public purposes;
- 14 (5) Property used exclusively for divine worship;
- 15 (6) Parsonages and the household goods and furniture
16 pertaining thereto;
- 17 (7) Mortgages, bonds and other evidence of indebtedness
18 in the hands of bona fide owners and holders hereafter
19 issued and sold by churches and religious societies for the
20 purposes of securing money to be used in the erection of
21 church buildings used exclusively for divine worship, or
22 for the purpose of paying indebtedness thereon;
- 23 (8) Cemeteries;
- 24 (9) Property belonging to, or held in trust for, colleges,
25 seminaries, academies and free schools, if used for educa-
26 tional, literary or scientific purposes, including books,
27 apparatus, annuities and furniture;
- 28 (10) Property belonging to, or held in trust for, colleges
29 or universities located in West Virginia, or any public or
30 private nonprofit foundation or corporation which receives
31 contributions exclusively for such college or university, if
32 the property or dividends, interest, rents or royalties
33 derived therefrom are used or devoted to educational
34 purposes of such college or university;
- 35 (11) Public and family libraries;
- 36 (12) Property used for charitable purposes, and not held
37 or leased out for profit;

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

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

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

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

58 (17) Property belonging to any public institution for the
59 education of the deaf, dumb or blind, or any hospital not
60 held or leased out for profit;

61 (18) Houses of refuge and mental health facilities or
62 orphanages;

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

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

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

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

73 (23) Bank deposits and money;

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

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

84 (26) Dead victuals laid away for family use;

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

93 (28) Personal property, including livestock, employed
94 exclusively in agriculture, as defined in article ten, section
95 one of the West Virginia Constitution, the products of
96 agriculture, and while owned by the producer; and

97 (29) Any other property or security exempted by any
98 other provision of law.

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

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

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

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

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

129 (g) The amendment to subdivision (27), subsection (a) of
130 this section, passed during the two thousand five regular
131 session of the Legislature, shall apply to all applicable
132 lease purchase agreements in existence upon the effective
133 date of the amendment.

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

Charles White
.....
Chairman Senate Committee

D. Rich Bay
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Holmes
.....
Clerk of the Senate

George M. Bay
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *disapproved* this the *4th*
Day of *May* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 29 2005

Time 9:45 PM