WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 416
(SENATORS PREZIOSO AND EDGELL, ORIGINAL SPONSORS)
[PASSED MARCH 4, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]
AN ACT to amend and reenact §11-6K-4 and §11-6K-5 of the Code of West Virginia, 1931, as amended, all relating to tentative appraisals of natural resources property by the Tax Commissioner for ad valorem property tax purposes; clarifying that notice requirements apply to all oil and natural gas property in production and reserve; and clarifying that informal review procedures do not apply to oil or natural gas property in production and reserve.

Be it enacted by the Legislature of West Virginia:

That §11-6K-4 and §11-6K-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6K. ASSESSMENT OF INDUSTRIAL PROPERTY AND NATURAL RESOURCES PROPERTY.

§11-6K-4. Review of returns; procuring information for tentative appraisals; tentative appraisals by Tax Commissioner; notification to taxpayers.
(a) All returns delivered to the Tax Commissioner shall be examined by him or her, and if found insufficient in form, defective, imperfect or not in compliance with law, he or she shall compel the person delivering the return to make it in proper and sufficient form in all respects as required by law.

(b) If any owner, operator or producer fails to make a required return, the Tax Commissioner shall proceed to obtain the facts and information required to be furnished by the returns.

(c) For the purposes of ascertaining the correctness of any return filed pursuant to this article or of valuing the property of any industrial taxpayer or natural resources property owner or operator, the Tax Commissioner may exercise all of the powers and authority granted to him or her by sections five-a, five-b and five-c, article ten of this chapter.

(d) Using information provided on the returns and all other pertinent evidence, information and data the Tax Commissioner has been able to procure, the Tax Commissioner shall annually value and make tentative appraisals of all industrial property and natural resources property as provided in section ten, article one-c of this chapter.

(e) (1) On or before October 15 of the assessment year, the Tax Commissioner shall complete the preparation of tentative appraisals of all industrial property and natural resources property and shall notify the affected owner or operator of the amount of the tentative appraisals: Provided, That in the case of oil property, natural gas property and managed timberland, the Tax Commissioner shall complete the preparation of tentative appraisals and notify the affected owner or operator by December 1 of the assessment year, and: Provided, however. That no notification shall be
required where the total increase in the aggregate amount of
the tentative appraisals to the affected owner or operator does
not exceed $1,000 and the total tentative appraisals did not
increase by more than ten percent from the prior year's
appraisals. Notification may, at the reasonable discretion of
the Tax Commissioner, be:

(A) By written notice deposited in the United States mail,
addressed to the owner or operator at the principal office or
place of business of the owner or operator;

(B) By electronic notification; or

(C) By any other means designed to communicate the
tentative appraisal information to the owner or operator in a
timely and efficient manner and in a convenient useable form.

(2) Any notice required to be provided under this section
to an owner or operator shall also be provided by the Tax
Commissioner to the assessor of the county in which the
property is located. The Tax Commissioner shall retain in his
or her office true copies of tentative appraisals and of the
underlying work sheets used to compute the tentative
appraisals, all of which shall be available for inspection by
any owner or operator or his or her duly authorized
representative.

§11-6K-5. Informal petition to Tax Commissioner for review of
tentative appraisals.

(a) A taxpayer who is of the opinion that the tentative
appraisal of its industrial property or natural resources
property, except oil property, natural gas property and
managed timberland, does not reflect the true and actual
value of the property or is otherwise improperly valued may,
after receiving its tentative appraisal and on or before
November 15 of the assessment year, informally petition the
Tax Commissioner requesting a review of the tentative
appraisal. Likewise, an assessor who is of the opinion that
the tentative appraisal of any industrial property or natural
resources property, except oil property, natural gas property
and managed timberland, located in the county does not
reflect the true and actual value of the property or is
otherwise improperly valued may, after receiving the
tentative appraisal and on or before November 15 of the
assessment year, informally petition the Tax Commissioner
requesting a review of the tentative appraisal. The Tax
Commissioner may require the petition be made on a written
form prescribed by the Tax Commissioner. At the time a
petition is filed by a taxpayer with the Tax Commissioner, the
petitioner shall provide a copy of the petition to the assessor
of the county in which the property is located. At the time a
petition is filed by an assessor with the Tax Commissioner,
the petitioner shall provide a copy of the petition to the
taxpayer involved.

(b) At the petitioner’s request, the Tax Commissioner or
his or her representative shall meet with the petitioner or the
petitioner’s representative to discuss the petition at a time and
place designated at least five working days in advance by the
Tax Commissioner after the petition is filed. If the petitioner
is unable to appear and meet with the Tax Commissioner at
the time and place set by the Tax Commissioner, the
petitioner may submit written evidence to support the petition
if it is submitted before the date of the meeting.

(c) The Tax Commissioner shall consider and rule on
each informal petition filed under this section on or before
January 15 of the tax year. If the Tax Commissioner agrees
with the petition he or she shall modify the tentative appraisal
accordingly. The Tax Commissioner shall then notify the
petitioner and assessor of the county in which the property is
located in writing of his or her decision and shall include supporting data that the assessor might need to evaluate the appraisal.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Member

[Signature]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker of the House of Delegates

The within is approved this the Day of , 2014.

[Signature]

Governor