

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**House Bill 3404**

By Delegate Foster

[Introduced ; Referred  
to the Committee on]

1 A BILL to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring that land assessed as farm property in West Virginia for taxation purposes be  
 3 assessed at the regular rate of taxation for the preceding three years after the sale of the  
 4 property for development.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1A. APPRAISAL OF PROPERTY.**

**§11-1A-10. Valuation of farm property.**

1 (a) With respect to farm property, the Tax Commissioner shall appraise such property so as  
 2 to ascertain its fair and reasonable value for farming purposes regardless of what the value of the  
 3 property would be if used for some other purpose, and the value shall be arrived at by giving  
 4 consideration to the fair and reasonable income which the property might be expected to earn in  
 5 the locality wherein situated, if rented. The fair and reasonable value for farming purposes shall be  
 6 deemed to be the market value of such property for appraisal purposes.

7 (b) A person is not engaged in farming if he or she is primarily engaged in forestry or  
 8 growing timber. Additionally, a corporation is not engaged in farming unless its principal activity is  
 9 the business of farming, and in the event that the controlling stock interest in the corporation is  
 10 owned by another corporation, the corporation owning the controlling interest must also be  
 11 primarily engaged in the business of farming.

12 (c) The county assessor shall compute the amount of taxes saved by the difference in the  
 13 valuation of farm property and valuation at the regular rate of taxation once the property classified  
 14 as farm property is sold for retail or commercial use, or commercial development. The assessor  
 15 shall assess the valuation for the preceding three years before the sale of the land and shall notify  
 16 the trustee that such amount is payable to the county.

NOTE: The purpose of this bill is to require that land assessed as farm property in West Virginia for taxation purposes be assessed at the regular rate of taxation for the preceding three years after the sale of the property for development.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.