WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 65

(By Mr. , original Sponsor)

PASSED MARCH 6, 1972

In Effect FROM Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-28-72
AN ACT to amend and reenact sections twelve, thirteen and fifteen, article three; sections one, five, fourteen, seventeen and twenty, article four; and section four, article five, all of chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article three by adding thereto a new section, designated section one-a, relating to assessments of real and personal property generally; setting forth certain legislative findings; defining terms; making provision for county courts to reject the provisions of said section one-a; relating to the assessment of corporate property and to verified reports to assessors by corporations; specifying the assessor to which such verified report is to be made in the event the corporation involved does not have a principal office or chief place of business in this state; relating to the assessment and entry of corporate property by assessor for taxation and to the county of assessment; relating to the assessment of capital used in trade or business by any individual or firm not incorporated and to verified reports with respect to such capital; relating to the assessment and entry of same by assessor for taxation; relating to land books and the composition thereof; eliminating references to independent school districts; relating to information to be obtained from landowners by assessors; relating to making corrections in land books; relating to the assessment of lands lying in more than one county and the payment of taxes with respect thereto; relating to the consolidation of contiguous tracts or other interests and the division of tracts for taxing purposes; relating to the assessment of ferries, the
entry of the value thereof for taxing purposes and the
district in which assessed; relating to the assessment of
personal property and chattels real and the district in
which assessed; changing references to magisterial district
or districts to tax district or districts; and providing crim-
inal penalties.

Be it enacted by the Legislature of West Virginia:

That sections twelve, thirteen and fifteen, article three; sec-
tions one, five, fourteen, seventeen and twenty, article four;
and section four, article five, all of chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted; and that said article
three be further amended by adding thereto a new section,
designated section one-a, all to read as follows:

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-1a. Legislative findings concerning magisterial districts
for property taxing purposes; defining terms;
county court may provide otherwise.

1 The Legislature recognizes that several counties have
2 redistricted their magisterial districts in order to achieve
3 as nearly as practicable equal numbers of population
4 within each such district; that if the land books and per-
5 sonal property books of any such county must be changed
6 following each such redistricting so as to reflect the
7 newly established districts, very substantial costs to the
8 counties would be occasioned thereby; that if the land
9 books must be changed following each such redistricting
10 so as to reflect the newly established districts, problems
11 would arise in searching and abstracting titles to real
12 property; and that there is no reason to require the land
13 books and personal property books of a county for tax
14 purposes to be on a magisterial district basis as such
districts are established for voting purposes. Conse-
16 quently, the terms "tax district" or "district," or the plural
17 thereof, as used in this chapter, shall mean the magis-
terial district or districts and the subdivisions thereof as
19 the same existed in any county on January one, one
20 thousand nine hundred sixty-nine: Provided, That if a
21 county court prefers to arrange its land books and per-
sonal property books so that the boundaries of districts
for taxing purposes coincide with the boundaries of the
magisterial districts of such county at any given time
for voting purposes, such county court may by order
entered of record reject the provisions of this section and
the aforesaid terms shall mean so far as that particular
county is concerned the magisterial district or districts
and the subdivisions thereof as the same exist from time
to time for voting purposes in such county.

§11-3-12. Assessment of corporate property; reports to assessor
by corporations.

Each incorporated company, foreign or domestic, hav-
ing its principal office or chief place of business in this
state, or owning property subject to taxation in this
state, except railroad, telegraph and express companies,
telephone companies, pipeline, car line companies and
other public utility companies, banking institutions, na-
tional banking associations, building and loan associa-
tions, federal savings and loan associations and industrial
loan companies, shall annually, between the first day of
the assessment year and the first day of November, make
a written report, verified by the oath of the president or
chief accounting officer, to the assessor of the county in
which its principal office or chief place of business is
situated or in which such property subject to taxation
in this state is located if such corporation does not have
a principal office or chief place of business in this state,
showing the following items, viz: (a) The amount of
capital authorized to be employed by it; (b) the amount
of cash capital paid on each share of stock; (c) the amount
of credits and investments other than its own capital
stock held by it on said date, with their true and actual
value; (d) the quantity, location and true and actual
value of all of its real estate, and the tax district or dis-
tricts in which it is located; and (e) the kinds, quantity
and true and actual value of all its tangible property in
each tax district in which it is located.

The oath required for this section shall be substantially
as follows, viz:

State of West Virginia, County of .................................., ss:
I, __ __ __ __ __, president (treasurer or manager) of (here insert name of corporation), do solemnly swear (or affirm) that the foregoing is, to the best of my knowledge and judgment, true in all respects; that it contains a statement of all the real estate and personal property, including credits and investments belonging to said corporation; that the value affixed to such property is, in my opinion, its true and actual value, by which I mean the price at which it would sell if voluntarily offered for sale on such terms as are usually employed in selling such property, and not the price which might be realized at a forced or auction sale; and said corporation has not, to my knowledge, during the sixty-day period immediately prior to the first day of the assessment year converted any of its assets into nontaxable securities or notes or other evidence of indebtedness for the purpose of evading the assessment of taxes thereon; so help me, God.

The officer administering such oath shall append there- to the following certificate, viz:

Subscribed and sworn to before me by __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ ___
assessment year; the property mentioned in items (c),
(d) and (e) shall constitute all the property on which
any such corporation shall be liable to pay taxes. If a
company has branches, each branch shall be assessed
separately in the county and tax district where its prin-
cipal office for transacting its financial concerns is lo-
cated; or, if there be no such office, then in the tax district
where its operations are carried on. All locks and dams
of navigation companies shall be assessed and taxed as
real estate in the county and tax district wherein they
are situated; and in case such locks and dams are lo-
cated on any creek or river which is the dividing line
between counties, or the dividing line between tax dis-
tricts of the same county, one half of the value thereof
shall be assessed in each of such counties or tax districts,
as the case may be, and when the property of an incorpo-
rated company is assessed as aforesaid, no individual
shareholder therein shall be required to list or be assessed
with his share, portion or interest in the capital stock of
such corporation.

§11-3-15. Assessment of capital used in trade or business by
natural persons.

The value of the capital used by any individual or firm
not incorporated, in any trade or business taxable by law,
shall be ascertained in the following manner: The owner,
agent, or chief accountant of every such trade or business,
except the business of agriculture, carried on in any
county of the state, shall, annually, between the first day
of the assessment year and the first day of November of
the current year, make a written report as of the first day
of the assessment year, to the assessor, verified by his
affidavit, showing the following matters and things, viz:
(a) The amount, the true and actual value and classifica-
tion of all tangible personal property used in connection
with such trade or business, otherwise than such as is
regularly kept for sale therein, including chattels real;
(b) the true and actual value and classification of all
goods and property kept for sale and remaining unsold;
(c) the amount in value of all credits arising out of any
such business and remaining unpaid on that date, whether
due or not, and whether in or out of the state; (d) the
amount and true and actual value of all notes, bonds,
bills, accounts receivable, stocks and other intangible
property made by such person or firm whether in or out
of the state, other than those hereinbefore specified; (e)
the location, quantity, the true and actual value and
classification of all real estate owned by such individuals
or firm and used in such trade or business. The assessor
shall, upon the receipt of such report, properly verified,
if he is satisfied with the correctness thereof, enter the
real estate in the land book of the county in the tax dis-
trict wherein the same is situated, and assess the same
with taxes, if not otherwise assessed, to the owner there-
of; the personal property mentioned in such report he
shall enter in the personal property book of his county for
assessment with taxes as follows, viz: Items (a) and (b)
shall be entered in the tax districts where they are for
the greater part of the year kept or located; and items
(c), (d) and (e) shall be entered under their appropriate
headings, in the municipality or tax district wherein the
principal place of business of such individual or firm is;
and if the assessor is not satisfied with the correctness of
such report, he may proceed to ascertain a correct list of
the property on which such individual or firm is liable
to be assessed with taxes, and to value the same as in
other cases. The person making such report shall take
and subscribe an oath in substantially the following form:

I, -------------------------------------- , do solemnly swear (or affirm)
that the foregoing list is true and correct to the best of
my knowledge; that the value affixed to the property
therein listed I believe to be the true and actual value
thereof; that none of the assets belonging to (here state
the name of individual or firm) and used in the business
of (here describe the business) have to my knowledge,
since the first day of the assessment year, been converted
into nontaxable securities for the purpose of evading the
assessment of taxes thereon; so help me, God.

The officer administering said oath shall append thereto
the following certificate, viz:
ARTICLE 4. ASSESSMENT OF REAL PROPERTY.

§11-4-1. Land books to contain separate lists; entry of town lots; entry separately for districts.

1 The assessor shall make out the land books, including all extensions, in such form as the tax commissioner may prescribe. Such land books shall contain separate lists for the different tax districts and separate lists for the municipalities of the county. There shall, for the purpose of taxation, be entered on the land books the town lots in the alphabetical order of the names of the owners thereof in the list arranged for them, and the assessor shall designate such list as "town (or city) lots of the town (or city) of _____________." There shall also be entered in like alphabetical order in the separate lists for the tax districts, the tracts of land, the whole or greater part of which is situated therein; but no tract or lot of land shall be entered in more than one of such lists, and no part of any tract or lot of land which does not lie within the incorporated limits of a town shall be entered in the list or charged with municipal taxes for such town.

§11-4-5. Information to be obtained from landowners by assessor; corrections in land book of previous year.

1 The assessor and his deputies shall annually, when listing and assessing personal and real property, make diligent inquiry of every resident landowner, and of the resident agents of any nonresident landowner, as to the number of acres of land owned by them, the number of acres in each tract, and the number of town lots owned by them, and the value per acre of each tract and the local description thereof, and the value and location of the town lots.

10 They shall determine the nature and extent of the interest of the owner, whether in fee and undivided or otherwise, and the character of use to which the property is put, whether exclusively residential or agricultural or
otherwise. They shall also inquire of such owners or agents whether the entries charged against them in the land books of the previous year are correct, whether any part thereof ought to be transferred to any other person, and if so to whom, and the nature of the evidence to authorize such transfer; also, whether any other land in the county ought to be charged to such resident or nonresident, and whether the description given to any tract of land or town lot in the book of the previous year is incorrectly given. It shall be the duty of such owners and agents to answer all of such inquiries on oath. The assessor shall provide for himself, and for each one of his deputies, a copy of so much of the land book of the previous year as contains a list of the land in the tax districts severally apportioned to them, and shall make in such copies such changes and corrections as ought to be made in the land book of the previous year, according to the information obtained. The deputy assessor shall report any such changes and corrections, as appear to them should be made, to the assessor at some of the stated meetings provided for. The assessor shall make such use of the information so obtained as he can properly make, consistent with the other provisions of this chapter, in making out the land book of the county for the current year.

§11-4-14. Assessment of lands lying in more than one county.

Every tract of land of one thousand acres or less, lying in more than one county, may be entered for taxation on the land book of the county where the greater part thereof in value lies, but the entry thereof and payment of taxes thereon, in any county where any part thereof is situated, shall, for the time during which the same is so entered and paid, be a discharge of the whole of the taxes and levies charged and chargeable thereon. Every tract of land of more than one thousand acres, lying in two or more counties, shall, for the purpose of taxation, be entered and charged with all taxes in each tax district of the several counties in which any part of it is, to the extent, as near as may be, that the same lies in such district. When any such tract or more than one thousand acres is thus assessed, partly in one county and partly in
another, the several officers of such counties whose duty it is to make out the land books of the respective counties shall value the part lying in his county without regard to the value of the whole tract, and he shall ascertain its value, as in other cases, according to the rule prescribed in this chapter.

§11-4-17. Consolidation of contiguous tracts or mineral or timber interests.

Any owner of two or more contiguous tracts of land, or the surface of land, or of any estate in the coal, oil, gas, ore, limestone, fireclay, or other minerals or mineral substances, in and under the same, or of the timber thereon, situated in whole or in part in the same tax district of any county, may upon application to the county court of such county and duly showing the relative location of such tracts, their ownership and present description on the land book, have the same, by order of such court, consolidated with other like tracts or parts of tracts, and charged by aggregating the quantities thereof, so far as lying in the same tax district, as one tract upon the land book of such county for the succeeding year and thereafter: Provided, That for the purpose of consolidation of lands or the surface of lands or any estate in the coal, oil, gas, ore, limestone, fireclay, or other minerals or mineral substances in and under the same, or of the timber thereof, on the land books, any tract heretofore charged separately thereon, whether as fee (by which is meant not only the estate of the owner therein, but also the entire body of the land), or as one or more mineral interests, or other interests herein specified, or surface, or timber only, may be divided, and the divisions thereof be charged separately or be consolidated with other like tracts or parts of tracts.

In every case of consolidation the order directing the consolidation to be made shall so describe the several properties consolidated as to enable the same to be therein identified as separate parcels or to be so identified by reference therein made to a recorded instrument, or recorded instruments, or both by description and reference to such instrument or instruments.
The officer whose duty it is to make out the land books, upon presentation to him of a certified copy of such order showing the consolidation or designation of such several tracts or parts of tracts of land, surface or timber, or estates in the coal, oil, gas, ore, limestone, fireclay, or other minerals or mineral substances herein mentioned, shall enter the same as one upon the land book for the year next ensuing, and make a proper note opposite the last entry of each of such several tracts so consolidated or designated in whole or in part, referring to such order, and a like note opposite the entry of the tract so consolidated or designated. He shall value such tract at its proper value according to the rule prescribed in this chapter. Any such officer, failing to comply promptly with any of the several duties imposed by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars: Provided, however, That this section shall not apply to any undivided interest in any estate in any land, coal, oil, gas, ore, limestone, fireclay, or other mineral substances in or under lands or of the timber on land.

§11-4-20. Ferries.

1 The assessor shall, upon the best information he can obtain, ascertain for the purpose of taxation, the annual value of all ferries upon which a toll or fare is charged, located in his county, except such as are by law exempt from taxation; he shall value each of such ferries each year at ten times its annual value, and enter the same in the land book in the name of the owner in the tax district wherein the same is located; and if such ferry is on a line dividing two counties, or two districts in the same county, one half of the value so ascertained shall be assessed in each county or district as the case may be.

ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.

§11-5-4. In what district personalty assessed.

1 Every person required by law to list personal property for taxation shall list the tangible personal property in the tax district wherein it is on the first day of the assess-
ment year, and chattels real in the tax district wherein
the land to which they relate is located; and he shall list
for taxation in the tax district in which he resides the
notes, bonds, bills, and accounts receivable, stocks and
other intangible personal property subject to taxation
belonging to himself or under his charge or control,
whether the same, or the evidence thereof be in or out
of the state; but capital, and intangible property (except
real estate and chattels real) employed in any trade or
business (other than agriculture) belonging to a com-
pany whether it is incorporated or not, or to an individual,
shall be assessed for taxation in the tax district wherein
the principal office for the transaction of the financial
concerns pertaining to such trade or business is located;
or, if there be no such office, then in the district where
the operations are carried on. Goods and chattels and
other tangible personal property not exempt from taxa-
tion which may not be assessed for taxation in the tax
district where the same were on the first day of the
assessment year, but which have been removed there-
from, shall be assessed in the tax district where the same
were on the first day of the assessment year; but the
assessment and payment of taxes in any county or district
in any year shall exonerate the owner of such property
in any other county or district for such year: Provided,
That in cases of the assessment of leasehold estates a sum
equal to the valuations placed upon such leasehold estates
shall be deducted from the total value of the estate, to
the end that the valuation of such leasehold estate and
the remainder shall aggregate the true and actual value
of the estate.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Phyllis Durlig

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clarence arm

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of March, 1972.

Governor