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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 65

(By Mr. NOBLEMAN 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

65

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 65
(MR. MORELAND, *original sponsor*)

[Passed March 6, 1972; in effect from passage.]

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 land-owners 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 criminal penalties.

Be it enacted by the Legislature of West Virginia:

That 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, 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
15 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-
18 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-

22 sonal property books so that the boundaries of districts
23 for taxing purposes coincide with the boundaries of the
24 magisterial districts of such county at any given time
25 for voting purposes, such county court may by order
26 entered of record reject the provisions of this section and
27 the aforesaid terms shall mean so far as that particular
28 county is concerned the magisterial district or districts
29 and the subdivisions thereof as the same exist from time
30 to time for voting purposes in such county.

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

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

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

29 State of West Virginia, County of _____, ss:

30 I, _____, president (treasurer or manager) of
31 (here insert name of corporation), do solemnly swear
32 (or affirm) that the foregoing is, to the best of my knowl-
33 edge and judgment, true in all respects; that it contains
34 a statement of all the real estate and personal property,
35 including credits and investments belonging to said cor-
36 poration; that the value affixed to such property is, in
37 my opinion, its true and actual value, by which I mean
38 the price at which it would sell if voluntarily offered for
39 sale on such terms as are usually employed in selling
40 such property, and not the price which might be realized
41 at a forced or auction sale; and said corporation has not,
42 to my knowledge, during the sixty-day period immedi-
43 ately prior to the first day of the assessment year con-
44 verted any of its assets into nontaxable securities or
45 notes or other evidence of indebtedness for the purpose
46 of evading the assessment of taxes thereon; so help me,
47 God.

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

51 Subscribed and sworn to before me by _____
52 this the _____ day of _____, 19 _____.

53 _____

§11-3-13. Entry of corporate property by assessor.

1 Upon receiving the verified report required by the pre-
2 ceding section, the assessor, if satisfied with the correct-
3 ness thereof, shall assess the value of all the property of
4 such corporation liable to taxation, and enter the same
5 as follows, viz: All property in item (d) shall be entered
6 with its valuation in the land books of the county and in
7 the tax district in which the real estate is situated; all
8 property mentioned in item (c) shall, together with its
9 valuation, be entered in the personal property book of
10 the county and in the tax district wherein is the principal
11 office or chief place of business of such corporation, under
12 the appropriate heads; and all property mentioned in
13 item (e) shall, together with its valuation, be entered in
14 the personal property book of the county and in the tax
15 district wherein such property is on the first day of the

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

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

1 The value of the capital used by any individual or firm
2 not incorporated, in any trade or business taxable by law,
3 shall be ascertained in the following manner: The owner,
4 agent, or chief accountant of every such trade or business,
5 except the business of agriculture, carried on in any
6 county of the state, shall, annually, between the first day
7 of the assessment year and the first day of November of
8 the current year, make a written report as of the first day
9 of the assessment year, to the assessor, verified by his
10 affidavit, showing the following matters and things, viz:
11 (a) The amount, the true and actual value and classifica-
12 tion of all tangible personal property used in connection
13 with such trade or business, otherwise than such as is
14 regularly kept for sale therein, including chattels real;
15 (b) the true and actual value and classification of all
16 goods and property kept for sale and remaining unsold;
17 (c) the amount in value of all credits arising out of any
18 such business and remaining unpaid on that date, whether

19 due or not, and whether in or out of the state; (d) the
20 amount and true and actual value of all notes, bonds,
21 bills, accounts receivable, stocks and other intangible
22 property made by such person or firm whether in or out
23 of the state, other than those hereinbefore specified; (e)
24 the location, quantity, the true and actual value and
25 classification of all real estate owned by such individuals
26 or firm and used in such trade or business. The assessor
27 shall, upon the receipt of such report, properly verified,
28 if he is satisfied with the correctness thereof, enter the
29 real estate in the land book of the county in the tax dis-
30 trict wherein the same is situated, and assess the same
31 with taxes, if not otherwise assessed, to the owner there-
32 of; the personal property mentioned in such report he
33 shall enter in the personal property book of his county for
34 assessment with taxes as follows, viz: Items (a) and (b)
35 shall be entered in the tax districts where they are for
36 the greater part of the year kept or located; and items
37 (c), (d) and (e) shall be entered under their appropriate
38 headings, in the municipality or tax district wherein the
39 principal place of business of such individual or firm is;
40 and if the assessor is not satisfied with the correctness of
41 such report, he may proceed to ascertain a correct list of
42 the property on which such individual or firm is liable
43 to be assessed with taxes, and to value the same as in
44 other cases. The person making such report shall take
45 and subscribe an oath in substantially the following form:

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

56

57 The officer administering said oath shall append thereto
58 the following certificate, viz:

59 Subscribed and sworn to before me by (here insert
60 affiant's name) this day of, 19.....
61

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
2 all extensions, in such form as the tax commissioner may
3 prescribe. Such land books shall contain separate lists
4 for the different tax districts and separate lists for the
5 municipalities of the county. There shall, for the purpose
6 of taxation, be entered on the land books the town lots
7 in the alphabetical order of the names of the owners
8 thereof in the list arranged for them, and the assessor
9 shall designate such list as "town (or city) lots of the
10 town (or city) of". There shall also be
11 entered in like alphabetical order in the separate lists
12 for the tax districts, the tracts of land, the whole or
13 greater part of which is situated therein; but no tract or
14 lot of land shall be entered in more than one of such
15 lists, and no part of any tract or lot of land which does
16 not lie within the incorporated limits of a town shall be
17 entered in the list or charged with municipal taxes for
18 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
2 listing and assessing personal and real property, make
3 diligent inquiry of every resident landowner, and of the
4 resident agents of any nonresident landowner, as to the
5 number of acres of land owned by them, the number of
6 acres in each tract, and the number of town lots owned
7 by them, and the value per acre of each tract and the local
8 description thereof, and the value and location of the
9 town lots.

10 They shall determine the nature and extent of the
11 interest of the owner, whether in fee and undivided or
12 otherwise, and the character of use to which the property
13 is put, whether exclusively residential or agricultural or

14 otherwise. They shall also inquire of such owners or
15 agents whether the entries charged against them in the
16 land books of the previous year are correct, whether any
17 part thereof ought to be transferred to any other person,
18 and if so to whom, and the nature of the evidence to
19 authorize such transfer; also, whether any other land
20 in the county ought to be charged to such resident or
21 nonresident, and whether the description given to any
22 tract of land or town lot in the book of the previous year
23 is incorrectly given. It shall be the duty of such owners
24 and agents to answer all of such inquiries on oath. The
25 assessor shall provide for himself, and for each one of
26 his deputies, a copy of so much of the land book of the
27 previous year as contains a list of the land in the tax
28 districts severally apportioned to them, and shall note
29 in such copies such changes and corrections as ought to
30 be made in the land book of the previous year, according
31 to the information obtained. The deputy assessor shall
32 report any such changes and corrections, as appear to
33 them should be made, to the assessor at some of the
34 stated meetings provided for. The assessor shall make
35 such use of the information so obtained as he can prop-
36 erly make, consistent with the other provisions of this
37 chapter, in making out the land book of the county for
38 the current year.

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

1 Every tract of land of one thousand acres or less, lying
2 in more than one county, may be entered for taxation on
3 the land book of the county where the greater part
4 thereof in value lies, but the entry thereof and payment
5 of taxes thereon, in any county where any part thereof
6 is situated, shall, for the time during which the same
7 is so entered and paid, be a discharge of the whole of the
8 taxes and levies charged and chargeable thereon. Every
9 tract of land of more than one thousand acres, lying in
10 two or more counties, shall, for the purpose of taxation,
11 be entered and charged with all taxes in each tax district
12 of the several counties in which any part of it is, to the
13 extent, as near as may be, that the same lies in such
14 district. When any such tract or more than one thousand
15 acres is thus assessed, partly in one county and partly in

16 another, the several officers of such counties whose duty
17 it is to make out the land books of the respective counties
18 shall value the part lying in his county without regard
19 to the value of the whole tract, and he shall ascertain its
20 value, as in other cases, according to the rule prescribed
21 in this chapter.

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

1 Any owner of two or more contiguous tracts of land, or
2 the surface of land, or of any estate in the coal, oil, gas,
3 ore, limestone, fireclay, or other minerals or mineral
4 substances, in and under the same, or of the timber
5 thereon, situated in whole or in part in the same tax dis-
6 trict of any county, may upon application to the county
7 court of such county and duly showing the relative loca-
8 tion of such tracts, their ownership and present descrip-
9 tion on the land book, have the same, by order of such
10 court, consolidated with other like tracts or parts of tracts,
11 and charged by aggregating the quantities thereof, so
12 far as lying in the same tax district, as one tract upon the
13 land book of such county for the succeeding year and
14 thereafter: *Provided*, That for the purpose of consolida-
15 tion of lands or the surface of lands or any estate in the
16 coal, oil, gas, ore, limestone, fireclay, or other minerals
17 or mineral substances in and under the same, or of the
18 timber thereof, on the land books, any tract heretofore
19 charged separately thereon, whether as fee (by which
20 is meant not only the estate of the owner therein, but also
21 the entire body of the land), or as one or more mineral
22 interests, or other interests herein specified, or surface, or
23 timber only, may be divided, and the divisions thereof
24 be charged separately or be consolidated with other like
25 tracts or parts of tracts.

26 In every case of consolidation the order directing the
27 consolidation to be made shall so describe the several
28 properties consolidated as to enable the same to be there-
29 in identified as separate parcels or to be so identified by
30 reference therein made to a recorded instrument, or
31 recorded instruments, or both by description and refer-
32 ence to such instrument or instruments.

33 The officer whose duty it is to make out the land books,
34 upon presentation to him of a certified copy of such order
35 showing the consolidation or designation of such several
36 tracts or parts of tracts of land, surface or timber, or
37 estates in the coal, oil, gas, ore, limestone, fireclay, or
38 other minerals or mineral substances herein mentioned,
39 shall enter the same as one upon the land book for the
40 year next ensuing, and make a proper note opposite the
41 last entry of each of such several tracts so consolidated
42 or designated in whole or in part, referring to such order,
43 and a like note opposite the entry of the tract so consoli-
44 dated or designated. He shall value such tract at its
45 proper value according to the rule prescribed in this
46 chapter. Any such officer, failing to comply promptly
47 with any of the several duties imposed by this section,
48 shall be deemed guilty of a misdemeanor, and, upon con-
49 viction thereof, shall be fined not less than twenty-five
50 nor more than fifty dollars: *Provided, however,* That this
51 section shall not apply to any undivided interest in any
52 estate in any land, coal, oil, gas, ore, limestone, fireclay, or
53 other mineral substances in or under lands or of the tim-
54 ber on land.

§11-4-20. Ferries.

1 The assessor shall, upon the best information he can
2 obtain, ascertain for the purpose of taxation, the annual
3 value of all ferries upon which a toll or fare is charged,
4 located in his county, except such as are by law exempt
5 from taxation; he shall value each of such ferries each
6 year at ten times its annual value, and enter the same in
7 the land book in the name of the owner in the tax dis-
8 trict wherein the same is located; and if such ferry is on
9 a line dividing two counties, or two districts in the same
10 county, one half of the value so ascertained shall be as-
11 sessed 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
2 for taxation shall list the tangible personal property in
3 the tax district wherein it is on the first day of the assess-

4 ment year, and chattels real in the tax district wherein
5 the land to which they relate is located; and he shall list
6 for taxation in the tax district in which he resides the
7 notes, bonds, bills, and accounts receivable, stocks and
8 other intangible personal property subject to taxation
9 belonging to himself or under his charge or control,
10 whether the same, or the evidence thereof be in or out
11 of the state; but capital, and intangible property (except
12 real estate and chattels real) employed in any trade or
13 business (other than agriculture) belonging to a com-
14 pany whether it is incorporated or not, or to an individual,
15 shall be assessed for taxation in the tax district wherein
16 the principal office for the transaction of the financial
17 concerns pertaining to such trade or business is located;
18 or, if there be no such office, then in the district where
19 the operations are carried on. Goods and chattels and
20 other tangible personal property not exempt from taxa-
21 tion which may not be assessed for taxation in the tax
22 district where the same were on the first day of the
23 assessment year, but which have been removed there-
24 from, shall be assessed in the tax district where the same
25 were on the first day of the assessment year; but the
26 assessment and payment of taxes in any county or district
27 in any year shall exonerate the owner of such property
28 in any other county or district for such year: *Provided*,
29 That in cases of the assessment of leasehold estates a sum
30 equal to the valuations placed upon such leasehold estates
31 shall be deducted from the total value of the estate, to
32 the end that the valuation of such leasehold estate and
33 the remainder shall aggregate the true and actual value
34 of the estate.

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

James G. Beane
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Esprit
President of the Senate

Lewis T. H. Mansur
Speaker House of Delegates

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

Arwa. Shawe Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/10/72

Time 5:20 p.m.