

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2473

FISCAL  
NOTE

2015 Carryover

(BY DELEGATE COWLES, ESPINOSA, HOUSEHOLDER,

DUKE, UPSON, FOLK, FAIRCLOTH AND BLAIR)

[Introduced January 13, 2016; referred to the

Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating  
 2 to the excise tax on the privilege of transferring real property; and providing that the tax  
 3 be used to reimburse counties for regional jail fees.

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

1 That §11-22-2 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 22. EXCISE TAX ON PRIVILEGE OF TRANSFERRING REAL PROPERTY.**

**§11-22-2. Rate of tax; when and by whom payable; additional county tax.**

1 (a) Every person who delivers, accepts or presents for recording any document, or in  
 2 whose behalf any document is delivered, accepted or presented for recording, is subject to pay  
 3 for, and in respect to the transaction or any part thereof, a state excise tax upon the privilege of  
 4 transferring title to real estate at the rate of \$1.10 for each \$500 value or fraction thereof as  
 5 represented by the document as defined in section one of this article. The state tax is payable  
 6 at the time of delivery, acceptance or presenting for recording of the document. This excise tax,  
 7 once collected, shall be expended to reimburse each county for funds expended to satisfy its  
 8 regional jail fees. In addition to the state excise tax described in this subsection, there is  
 9 assessed a fee of \$20 upon the privilege of transferring real estate for consideration. The clerk  
 10 of the county commission shall collect the additional \$20 fee before recording a transfer of title to  
 11 real estate and shall deposit the moneys from the additional fees into the West Virginia Affordable  
 12 Housing Trust Fund as provided in article eighteen-d, chapter thirty-one of this code. The  
 13 moneys collected from this additional fee shall be segregated from other funds in the West Virginia  
 14 Affordable Housing Trust Fund and shall be accounted for separately. Not more than ten percent  
 15 of these additional moneys may be expended by the West Virginia Affordable Housing Trust Fund  
 16 to defray administrative and operating costs and expenses actually incurred by the West Virginia

17 Affordable Housing Trust Fund. The Housing Development Fund, as fiscal agent of the West  
18 Virginia Affordable Housing Trust Fund, shall publish monthly on the Internet site an accounting  
19 of all revenue deposited into the fund during the month and a full disclosure of all expenditures  
20 from the fund including the group receiving funds, their location and any contractor awarded the  
21 construction contract. Additionally, the West Virginia Affordable Housing Trust Fund is to provide  
22 an annual report to the Joint Committee on Government and Finance before December 1, 2007,  
23 and each year thereafter.

24 (b) Effective January 1, 1968, and thereafter, there is imposed an additional county excise  
25 tax for the privilege of transferring title to real estate at the rate of \$0.55 for each \$500 value or  
26 fraction thereof as represented by such document as defined in section one of this article, which  
27 county tax shall be payable at the time of delivery, acceptance or presenting for recording of such  
28 document: *Provided*, That after July 1, 1989, the county may increase said excise tax to an  
29 amount equal to the state excise tax. The additional tax hereby imposed is declared to be a  
30 county tax and to be used for county purposes: *Provided, however*, That only one such state  
31 tax and one such county tax shall be paid on any one document and shall be collected in the  
32 county where the document is first admitted to record and the tax shall be paid by the grantor  
33 therein unless the grantee accepts the document without such tax having been paid, in which  
34 event such tax shall be paid by the grantee: *Provided further*, That on any transfer of real  
35 property from a trustee or a county clerk transferring real estate sold for taxes, such tax shall be  
36 paid by the grantee. The county excise tax imposed under this section may not be increased in  
37 any county unless the increase is approved by a majority vote of the members of the county  
38 commission of such county. Any county commission intending to increase the excise tax  
39 imposed in its county shall publish a notice of its intention to increase such tax not less than thirty  
40 days nor more than sixty days prior to the meeting at which such increase will be considered,

41 such notice to be published as a Class I legal advertisement in compliance with the provisions of  
42 article three, chapter fifty-nine of this code and the publication area shall be the county in which  
43 such county commission is located.

NOTE: The purpose of this bill is to provide that the state excise tax on the privilege of transferring real property tax be used to reimburse counties for regional jail fees.

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