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SB 335

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OFFICE WLS: VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 335

(BY SENATORS TOMBLIN, MR. PRESIDENT, FANNING,
CHAFIN, KESSLER, McCABE, WHITE AND JENKINS)

[Passed March 7, 2007; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-4c; and to amend and reenact §11-22-2 of said code, all relating to the West Virginia Affordable Housing Trust Fund generally; imposing a fee of twenty dollars on the transfer of real property in addition to the excise tax imposed on property transfers; imposing a fee of twenty dollars in addition to the consumers sales and service tax on the sale of factory-built homes by licensed dealers; dedicating the revenue from the additional fees to the West Virginia Affordable Housing Trust Fund; and authorizing expenditures for administrative and operating expenses.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-15-4c; and that §11-22-2 of said code be amended and reenacted, all to read as follows:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-4c. Collection of fee in addition to the consumers sales tax for sales of mobile factory-built homes; deposit of additional fee in West Virginia Affordable Housing Trust Fund.

1 (a) There is imposed, in addition to the sales tax
2 imposed by the provisions of this article and article
3 fifteen-a of this chapter, a fee of twenty dollars on all
4 sales by licensed dealers of factory-built homes as that
5 term is defined in section two, article fifteen, chapter
6 thirty-seven of this code to be collected as provided in
7 article fifteen-b of this chapter and remitted to the Tax
8 Commissioner to be deposited by the commissioner in
9 the West Virginia Affordable Housing Trust Fund, as
10 provided in article eighteen-d, chapter thirty-one of this
11 code.

12 (b) The moneys collected from this additional fee shall
13 be segregated from other funds in the West Virginia
14 Affordable Housing Trust Fund and shall be accounted
15 for separately. Not more than ten percent of these
16 additional moneys may be expended by the West
17 Virginia Affordable Housing Trust Fund to defray
18 administrative and operating costs and expenses
19 actually incurred by the West Virginia Affordable
20 Housing Trust Fund.

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
2 recording any document, or in whose behalf any
3 document is delivered, accepted or presented for
4 recording, is subject to pay for, and in respect to the
5 transaction or any part thereof, a state excise tax upon
6 the privilege of transferring title to real estate at the
7 rate of one dollar and ten cents for each five hundred
8 dollars value or fraction thereof as represented by the
9 document as defined in section one of this article. The
10 state tax is payable at the time of delivery, acceptance
11 or presenting for recording of the document. In
12 addition to the state excise tax described in this
13 subsection, there is assessed a fee of twenty dollars
14 upon the privilege of transferring real estate for
15 consideration. The clerk of the county commission shall
16 collect the additional twenty-dollar fee before recording
17 a transfer of title to real estate and shall deposit the
18 moneys from the additional fees into the West Virginia
19 Affordable Housing Trust Fund as provided in article
20 eighteen-d, chapter thirty-one of this code. The moneys
21 collected from this additional fee shall be segregated
22 from other funds in the West Virginia Affordable
23 Housing Trust Fund and shall be accounted for
24 separately. Not more than ten percent of these
25 additional moneys may be expended by the West
26 Virginia Affordable Housing Trust Fund to defray
27 administrative and operating costs and expenses
28 actually incurred by the West Virginia Affordable
29 Housing Trust Fund. The Housing Development Fund,
30 as fiscal agent of the West Virginia Affordable Housing
31 Trust Fund, shall publish monthly on the internet site

32 an accounting of all revenue deposited into the fund
33 during the month and a full disclosure of all
34 expenditures from the fund including the group
35 receiving funds, their location and any contractor
36 awarded the construction contract. Additionally, the
37 West Virginia Affordable Housing Trust Fund is to
38 provide an annual report to the Joint Committee on
39 Government and Finance before the first day of
40 December, two thousand seven, and each year
41 thereafter.

42 (b) Effective the first day of January, one thousand
43 nine hundred sixty-eight, and thereafter, there is
44 imposed an additional county excise tax for the
45 privilege of transferring title to real estate at the rate of
46 fifty-five cents for each five hundred dollars' value or
47 fraction thereof as represented by such document as
48 defined in section one of this article, which county tax
49 shall be payable at the time of delivery, acceptance or
50 presenting for recording of such document: *Provided*,
51 That after the first day of July, one thousand nine
52 hundred eighty-nine, the county may increase said
53 excise tax to an amount equal to the state excise tax.
54 The additional tax hereby imposed is declared to be a
55 county tax and to be used for county purposes:
56 *Provided, however*, That only one such state tax and
57 one such county tax shall be paid on any one document
58 and shall be collected in the county where the document
59 is first admitted to record and the tax shall be paid by
60 the grantor therein unless the grantee accepts the
61 document without such tax having been paid, in which
62 event such tax shall be paid by the grantee: *Provided*
63 *further*, That on any transfer of real property from a
64 trustee or a county clerk transferring real estate sold for
65 taxes, such tax shall be paid by the grantee. The county
66 excise tax imposed under this section may not be

67 increased in any county unless the increase is approved
68 by a majority vote of the members of the county
69 commission of such county. Any county commission
70 intending to increase the excise tax imposed in its
71 county shall publish a notice of its intention to increase
72 such tax not less than thirty days nor more than sixty
73 days prior to the meeting at which such increase will be
74 considered, such notice to be published as a Class I legal
75 advertisement in compliance with the provisions of
76 article three, chapter fifty-nine of this code and the
77 publication area shall be the county in which such
78 county commission is located.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
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 House of Delegates

The within *is approved* this
the *4th* Day of *April*, 2007.

[Signature]
.....
Governor

MAR 20 2007

Time _____

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 3:55 pm