

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 669

By Senators Tarr, Grady, and Plymale

[Introduced February 6, 2024; referred
to the Committee on Economic Development; and
then to the Committee on Finance]

1 A BILL to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to
 2 county economic opportunity development districts; authorizing the Mason County
 3 Commission to levy a special district excise tax; authorizing the special district excise tax
 4 for the benefit of the Town of Henderson Economic Opportunity District; setting forth the
 5 land area within the special district subject to the special district excise tax; authorizing the
 6 commission to create the district and levy the special district excise tax without the
 7 approval of the executive director of the development office; authorizing the commission to
 8 determine the base district tax, the base tax revenue amount, the gross annual district tax
 9 revenue amount and the estimated net annual district tax revenue amount; and requiring
 10 the Tax Commissioner to provide the commission with certification of the base tax revenue
 11 amount.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. COUNTY ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.

§7-22-9. Authorization to levy special district excise tax.

1 (a) *General.* — County commissions have no inherent authority to levy taxes and have only
 2 that authority expressly granted to them by the Legislature. The Legislature is specifically
 3 extended, and intends by this article, to exercise certain relevant powers expressed in section six-
 4 a, article X of the Constitution of this state as follows: (1) The Legislature may appropriate state
 5 funds for use in matching or maximizing grants-in-aid for public purposes from the United States or
 6 any department, bureau, commission, or agency thereof, or any other source, to any county,
 7 municipality, or other political subdivision of the state, under such circumstances and subject to
 8 such terms, conditions, and restrictions as the Legislature may prescribe by law; and (2) the
 9 Legislature may impose a state tax or taxes or dedicate a state tax or taxes or any portion thereof
 10 for the benefit of and use by counties, municipalities, or other political subdivisions of the state for
 11 public purposes, the proceeds of any such imposed or dedicated tax or taxes or portion thereof to
 12 be distributed to such counties, municipalities, or other political subdivisions of the state under

13 such circumstances and subject to such terms, conditions, and restrictions as the Legislature may
14 prescribe.

15 Because a special district excise tax would have the effect of diverting, for a specified
16 period of years, tax dollars which to the extent, if any, are not essentially incremental to tax dollars
17 currently paid into the General Revenue Fund of the state, the Legislature finds that in order to
18 substantially ensure that such special district excise taxes will not adversely impact the current
19 level of the General Revenue Fund of the state, it is necessary for the Legislature to separately
20 consider and act upon each and every economic development district which is proposed, including
21 the unique characteristics of location, current condition and activity of and within the area included
22 in such proposed economic opportunity development district and that for such reasons a statute
23 more general in ultimate application is not feasible for accomplishment of the intention and
24 purpose of the Legislature in enacting this article. Therefore, no economic opportunity
25 development district excise tax may be levied by a county commission until after the Legislature
26 expressly authorizes the county commission to levy a special district excise tax on sales of
27 tangible personal property and services made within district boundaries approved by the
28 Legislature.

29 (b) *Authorizations.* — The Legislature authorizes the following county commissions to levy
30 special district excise taxes on sales of tangible personal property and services made from
31 business locations in the following economic opportunity development districts:

32 (1) The Ohio County Commission may levy a special district excise tax for the benefit of the
33 Fort Henry Economic Opportunity Development District which comprises 500 contiguous acres of
34 land. Notwithstanding the time limitations provisions of §7-22-15(a)(2) of this code, the Fort Henry
35 Economic Opportunity Development District shall not be abolished under §7-22-15(a)(2) of this
36 code until the year 2044, unless sooner abolished and terminated in accordance with the
37 provisions of §7-22-15(a)(1) of this code or any other provision of this code, or sooner abolished
38 for any other reason: *Provided*, That on December 31, 2044, the provisions of §7-22-15(a)(2) of

39 this code shall apply to abolish the Fort Henry Economic Opportunity Development District, if the
40 district has not been abolished prior to that date.

41 (2) The Harrison County Commission may levy a special district excise tax for the benefit of
42 the Charles Pointe Economic Opportunity Development District which comprises 437 acres of
43 land.

44 (3) The Monongalia County Commission may levy a special district excise tax for the
45 benefit of the University Town Centre Economic Opportunity Development District which
46 comprises approximately 1,450 contiguous acres of land. Notwithstanding the time limitations
47 provisions of §7-22-15(a)(2) of this code, the University Town Centre Economic Opportunity
48 Development District shall not be abolished pursuant to §7-22-15(a)(2) of this code until the year
49 2053, unless sooner abolished and terminated in accordance with the provisions of subdivision
50 §7-22-15(a)(1) of this code or any other provision of this code, or sooner abolished for any other
51 reason: *Provided*, That on December 31, 2053, the provisions of §7-22-15(a)(2) of this code shall
52 apply to abolish the University Town Centre Economic Opportunity Development District, if the
53 district has not been abolished prior to that date.

54 (4) The Jefferson County Commission may levy a special district excise tax for the benefit
55 of the Hill Top House Hotel Economic Opportunity District which comprises approximately 11
56 contiguous acres of land: *Provided*, That notwithstanding any other provision of this article to the
57 contrary:

58 (A) The Jefferson County Commission may create the district and levy the special district
59 excise tax by order entered of record as provided in §7-22-10 of this code without the approval of
60 the executive director of the development office; and

61 (B) The Jefferson County Commission may determine the base district tax, the base tax
62 revenue amount, the gross annual district tax revenue amount and the estimated net annual
63 district tax revenue amount in lieu of that determination by the development office as provided in
64 §7-22-7 of this code. For purposes of determining the base tax revenue amount, the Jefferson

65 County Commission shall promptly request a certification from the Tax Commissioner of the base
66 tax revenue amount and the Tax Commissioner shall provide the certification to the Jefferson
67 County Commission within 30 days.

68 (5) The Mercer County Commission may levy a special district excise tax for the benefit of
69 the Ridges Economic Opportunity Development District which comprises approximately 390
70 contiguous acres of land.

71 (6) The Mason County Commission may levy a special district excise tax for the benefit of
72 the Town of Henderson Economic Opportunity District which comprises approximately 3854
73 contiguous acres of land: *Provided*, That notwithstanding any other provision of this article to the
74 contrary:

75 (A) The Mason County Commission may create the district and levy the special district
76 excise tax by order entered of record as provided in §7-22-10 of this code without the approval of
77 the executive director of the development office; and

78 (B) The Mason County Commission may determine the base district tax, the base tax
79 revenue amount, the gross annual district tax revenue amount and the estimated net annual
80 district tax revenue amount in lieu of that determination by the development office as provided in
81 §7-22-7 of this code. For purposes of determining the base tax revenue amount, the Mason
82 County Commission shall promptly request a certification from the Tax Commissioner of the base
83 tax revenue amount and the Tax Commissioner shall provide the certification to the Mason County
84 Commission within 30 days.

NOTE: The purpose of this bill is to grant Mason County and the Town of Henderson special district excise taxes, describe the boundaries of the Town of Henderson Economic Opportunity District, and authorize setting the base tax of said excise taxes.

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