

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 749**

By Senator Barrett

[Introduced February 5, 2026; 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; and to authorize the Berkeley County  
3 Commission to levy a special district excise tax for the benefit of the Berkeley County  
4 Economic Opportunity Development District.

*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 such  
13 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 subdivision (2), subsection (a), section  
35 fifteen of this article, the Fort Henry Economic Opportunity Development District shall not be  
36 abolished under §7-22-15(a) (2) of this code until the year 2054, unless sooner abolished and  
37 terminated in accordance with the §7-22-15(a) (1) of this code or any other provision of this code,  
38 or sooner abolished for any other reason: *Provided*, That on December 31, 2054, the provisions of  
39 §7-22-15(a) (2) of this code shall apply to abolish the Fort Henry Economic Opportunity  
40 Development District, if the 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 thirty 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 420  
70 contiguous acres of land, subject to holding a public hearing as provided in §7-22-14(c) of this  
71 code, submitting the application required by §7-22-14(d) of this code, and obtaining the approval

72 of the West Virginia Development Office as provided in §7-22-14(e) of this code.

73 (6) The Raleigh County Commission may levy a special district excise tax for the benefit of  
74 the Raleigh County Economic Opportunity Development District which comprises approximately  
75 1,600 contiguous acres of land, subject to holding a public hearing as provided in §7-22-6 of this  
76 code, submitting the application required by §7-22-6 and §7-22-7 of this code, and obtaining the  
77 approval of the West Virginia Development Office as provided in §7-22-7 of this code.

78 (7) The Mason County Commission may levy a special district excise tax for the benefit of  
79 the Town of Henderson Economic Opportunity District which comprises approximately 150  
80 contiguous acres of land, subject to holding a public hearing as provided in §7-22-6 of this code,  
81 submitting the application required by §7-22-6 and §7-22-7 of this code, and obtaining the  
82 approval of the West Virginia Development Office as provided in §7-22-7 of this code.

83 (8) The Berkeley County Commission may levy a special district excise tax for the benefit  
84 of the Berkeley County Economic Opportunity Development District which comprises  
85 approximately 275 contiguous acres of land, subject to holding a public hearing as provided in §7-  
86 22-6 of this code, submitting the application required by §7-22-6 and §7-22-7 of this code, and  
87 obtaining the approval of the West Virginia Development Office as provided in §7-22-7 of this  
88 code.

89 (c) Annual Reports. — Notwithstanding any other provision of this code to the contrary, any  
90 jurisdiction that imposes a special district excise tax shall compile and issue an annual report for  
91 each fiscal year of operation, such year beginning on July 1 and ending on June 30. The annual  
92 report shall be issued on or before the next succeeding December 31 after the close of each fiscal  
93 year.

94 (1) The annual report shall be filed with the Governor, the Secretary of Commerce, the  
95 Secretary of Revenue, and the Joint Committee on Government and Finance.

96 (2) The annual report shall set forth in detail the following information:

97 (A) The amount of special district excise tax collected during the fiscal year.

98                   (B) The total assessed value of all property located in the district at the inception of the  
99                   district;

100                   (C) The total assessed value of all property for the most recent property tax year in the  
101                   district;

102                   (D) A list of all businesses operating in the special district during the report year;

103                   (E) The amount of indebtedness attributed to the sales tax increment financing project;

104                   (F) The date of maturity for debts and annual amortization payment schedules for debt  
105                   financed with the sales tax increment financing project;

106                   (G) The projected date for retirement of all debt financed with the sales tax increment  
107                   financing project; and

108                   (H) The projected date of dissolution of the special district.

NOTE: The purpose of this bill is to authorize the Berkeley County Commission to levy a special district excise tax for the benefit of the Berkeley County Economic Opportunity Development District.

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