

Senate Bill No. 125

(By Senators Beach, Prezioso, Kessler (Mr. President), Unger, Sypolt, Snyder, Yost, Stollings, Williams, Edgell, Miller, Kirkendoll, Plymale and McCabe)

[Introduced February 13, 2013; referred to the Committee on Government Organization; and then to the Committee on Finance.]

A BILL to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Monongalia county commission to levy a special district excise tax.

Be it enacted by the Legislature of West Virginia:

That §7-22-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**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
2 authority to levy taxes and have only that authority
3 expressly granted to them by the Legislature. The

4 Legislature is specifically extended, and intends by this
5 article, to exercise certain relevant powers expressed in
6 section six-a, article X of the Constitution of this state as
7 follows: (1) The Legislature may appropriate state funds
8 for use in matching or maximizing grants-in-aid for public
9 purposes from the United States or any department, bureau,
10 commission or agency thereof, or any other source, to any
11 county, municipality or other political subdivision of the
12 state, under such circumstances and subject to such terms,
13 conditions and restrictions as the Legislature may prescribe
14 by law; and (2) the Legislature may impose a state tax or
15 taxes or dedicate a state tax or taxes or any portion thereof
16 for the benefit of and use by counties, municipalities or
17 other political subdivisions of the state for public purposes,
18 the proceeds of any such imposed or dedicated tax or
19 taxes or portion thereof to be distributed to such counties,
20 municipalities or other political subdivisions of the state
21 under such circumstances and subject to such terms,
22 conditions and restrictions as the Legislature may prescribe.

23 Because a special district excise tax would have the
24 effect of diverting, for a specified period of years, tax
25 dollars which to the extent, if any, are not essentially
26 incremental to tax dollars currently paid into the General
27 Revenue Fund of the state, the Legislature finds that in
28 order to substantially ensure that such special district excise
29 taxes will not adversely impact the current level of the
30 General Revenue Fund of the state, it is necessary for the
31 Legislature to separately consider and act upon each and
32 every economic development district which is proposed,
33 including the unique characteristics of location, current
34 condition and activity of and within the area included in
35 such proposed economic opportunity development district
36 and that for such reasons a statute more general in ultimate
37 application is not feasible for accomplishment of the
38 intention and purpose of the Legislature in enacting this
39 article. Therefore, no economic opportunity development
40 district excise tax may be levied by a county commission
41 until after the Legislature expressly authorizes the county

42 commission to levy a special district excise tax on sales of
43 tangible personal property and services made within district
44 boundaries approved by the Legislature.

45 (b) *Authorizations.* – The Legislature authorizes the
46 following county commissions to levy special district excise
47 taxes on sales of tangible personal property and services
48 made from business locations in the following economic
49 opportunity development districts:

50 (1) The Ohio county commission may levy a special
51 district excise tax for the benefit of the Fort Henry economic
52 opportunity development project district which comprises
53 three hundred contiguous acres of land;

54 (2) The Harrison county commission may levy a
55 special district excise tax for the benefit of the Charles
56 Pointe Economic Opportunity Development District which
57 comprises four hundred thirty-seven acres of land; and

58 (3) The Monongalia county commission may levy a
59 special district excise tax for the benefit of the University
60 Town Center Economic Opportunity District which

- 61 comprises approximately one thousand four hundred fifty
62 contiguous acres of land.
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(NOTE: The purpose of this bill is to permit the Monongalia county commission to levy a special district excise tax for the benefit of the “University Town Center” which comprises approximately 1,450 contiguous acres of land.

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