

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 647**

BY SENATORS JEFFRIES, BEACH, MILLER, OJEDA,

PLYMALE, PREZIOSO AND STOLLINGS

[Originating in the Committee on Agriculture and

Rural Development; reported on March 23, 2017]



1 A BILL to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating  
2 generally to additional county excise taxes on the privilege of transferring real property;  
3 authorizing an additional county excise tax in a county with an economic development  
4 corporation or authority under certain circumstances; setting forth the maximum amount  
5 of the additional excise tax; requiring that the additional tax be used exclusively for funding  
6 the operations, programs or activities of the local economic development corporation or  
7 authority; and making stylistic cleanup throughout the section to update certain archaic  
8 language.

*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; additional county tax to fund farmland protection and local economic development.**

1 (a)(1) Every person who delivers, accepts or presents for recording any document, or on  
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 at  
6 the time of ~~delivery, acceptance or presenting for recording of the document~~ is delivered, accepted  
7 or presented for recording.

8 (2) In addition to the state excise tax described in this subsection, there is assessed a fee  
9 of \$20 upon the privilege of transferring real estate for consideration. The clerk of the county  
10 commission shall collect the additional \$20 fee before recording a transfer of title to real estate  
11 and shall deposit the moneys from the additional fees into the West Virginia Affordable Housing  
12 Trust Fund as provided in article eighteen-d, chapter thirty-one of this code. The moneys collected

13 from this additional fee shall be segregated from other funds in the West Virginia Affordable  
14 Housing Trust Fund and shall be accounted for separately. ~~Not~~ No more than ten percent of ~~these~~  
15 ~~additional moneys~~ the fee may be expended by the West Virginia Affordable Housing Trust Fund  
16 to defray actual administrative and operating costs and expenses ~~actually incurred by the West~~  
17 ~~Virginia Affordable Housing Trust Fund~~. The Housing Development Fund, as fiscal agent of the  
18 West Virginia Affordable Housing Trust Fund, shall publish on its website a monthly ~~on the Internet~~  
19 ~~site~~ an accounting of all revenue deposited into the fund ~~during the~~ that month and a full disclosure  
20 of all expenditures from the fund, including the group receiving funds, ~~their~~ its location and any  
21 ~~contractor awarded the construction contract~~ contracts awarded. Additionally, the West Virginia  
22 Affordable Housing Trust Fund is to provide an annual report to the Joint Committee on  
23 Government and Finance before December 1, ~~2007,~~ and of each year thereafter.

24 (b)(1) ~~Effective January 1, 1968, and thereafter, there is imposed an~~ An additional county  
25 excise tax is imposed for the privilege of transferring title to real estate at the rate of 55 cents for  
26 each \$500 value or fraction thereof as represented by ~~such~~ the document as defined in section  
27 one of this article, ~~which county tax shall be~~. It is payable at the time of delivery, acceptance or  
28 presenting for recording of such the document is delivered, accepted or presented for recording.:  
29 *Provided, That after July 1, 1989, the*

30 (2) The county may increase said the excise tax to an amount equal to the state excise  
31 tax. The additional tax ~~hereby imposed~~ is declared to be a county tax and to be used for county  
32 purposes. *Provided, however, That, except as otherwise authorized in subsection (c) of this*  
33 section and article twelve, chapter eight-a of this code, only one such state tax and one such  
34 county tax shall be paid on any one document and ~~shall be~~ collected in the county where the  
35 document is first admitted to record. ~~and the~~ The tax shall be paid by the grantor ~~therein~~ unless  
36 the grantee accepts the document without ~~such~~ the tax having been paid, in which event ~~such~~ the  
37 tax shall be paid by the grantee. ~~Provided further, That on~~ On any transfer of real property from a  
38 trustee or a county clerk transferring real estate sold for taxes, ~~such~~ the tax shall be paid by the

39 grantee. The county excise tax imposed ~~under~~ by this section may not be increased in any county  
40 unless the increase is approved by a majority vote of the members of the county commission ~~of~~  
41 ~~such county~~. Any county commission intending to increase the excise tax ~~imposed in its county~~  
42 shall publish a notice of its intention to increase ~~such~~ the tax not less than thirty days nor more  
43 than sixty days prior to the meeting at which ~~such~~ the increase will be considered. ~~such~~ The notice  
44 is to be published as a Class I legal advertisement in compliance with the provisions of article  
45 three, chapter fifty-nine of this code and the publication area shall ~~be~~ include the county in which  
46 ~~such~~ the county commission is located.

47 (c) In addition to the taxes imposed by this article and article twelve, chapter eight-a of this  
48 code, any county commission of a county with an economic development corporation or authority,  
49 including without limitation, a development authority established under article twelve, chapter  
50 seven of this code operating within the county that participates in the certified development  
51 community program pursuant to article two, chapter five-b of this code, may impose an additional  
52 county excise tax for the privilege of transferring title to real estate at a rate of no more than \$1.10  
53 for each \$500 value or fraction thereof, as represented by any document as defined in section  
54 one of this article, payable at the time of delivery, acceptance or presentation for recording of the  
55 document. The additional tax imposed pursuant to this subdivision is to be used exclusively for  
56 the purposes of funding the operations, programs or activities of the local economic development  
57 corporation or authority.