WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2695

By Delegates Maynor, Roop, Brooks, Toney, Willis,

and Hornby

[Introduced February 20, 2025; referred 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   allowing Raleigh County to levy a special district excise tax for the benefit the Raleigh

3   County 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 subdivision (2), subsection (a), section fifteen of this article until the year 2054,

37   unless sooner abolished and terminated in accordance with the provisions of subdivision (1),

38   subsection (a), section fifteen of this article or any other provision of this code, or sooner abolished

39   for any other reason: *Provided*, That on December 31, 2054, the provisions of subdivision (2),

40   subsection (a), section fifteen of this article shall apply to abolish the Fort Henry Economic

41   Opportunity Development District, if the district has not been abolished prior to that date.

42   (2) The Harrison County Commission may levy a special district excise tax for the benefit of

43   the Charles Pointe Economic Opportunity Development District which comprises 437 acres of

44   land.

45   (3) The Monongalia County Commission may levy a special district excise tax for the

46   benefit of the University Town Centre Economic Opportunity Development District which

47   comprises approximately 1,450 contiguous acres of land. Notwithstanding the time limitations

48   provisions of §7-22-15(a)(2) of this code, the University Town Centre Economic Opportunity

49   Development District shall not be abolished pursuant to §7-22-15(a)(2) of this code until the year

50   2053, unless sooner abolished and terminated in accordance with the provisions of subdivision

51   §7-22-15(a)(1) of this code or any other provision of this code, or sooner abolished for any other

52   reason: *Provided*, That on December 31, 2053, the provisions of §7-22-15(a)(2) of this code shall

53   apply to abolish the University Town Centre Economic Opportunity Development District, if the

54   district has not been abolished prior to that date.

55   (4) The Jefferson County Commission may levy a special district excise tax for the benefit

56   of the Hill Top House Hotel Economic Opportunity District which comprises approximately 11

57   contiguous acres of land: *Provided*, That notwithstanding any other provision of this article to the

58   contrary:

59   (A) The Jefferson County Commission may create the district and levy the special district

60   excise tax by order entered of record as provided in §7-22-10 of this code without the approval of

61   the executive director of the development office; and

62   (B) The Jefferson County Commission may determine the base district tax, the base tax

63   revenue amount, the gross annual district tax revenue amount, and the estimated net annual

64   district tax revenue amount in lieu of that determination by the development office as provided in

65   §7-22-7 of this code. For purposes of determining the base tax revenue amount, the Jefferson

66   County Commission shall promptly request a certification from the Tax Commissioner of the base

67   tax revenue amount and the Tax Commissioner shall provide the certification to the Jefferson

68   County Commission within thirty days.

69   (5) The Mercer County Commission may levy a special district excise tax for the benefit of

70   The Ridges Economic Opportunity Development District which comprises approximately 420

71   contiguous acres of land, subject to holding a public hearing as provided in §7-22-14(c) of this

72   code, submitting the application required by §7-22-14(d) of this code, and obtaining the approval

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

74   (6) The Raleigh County Commission may levy a special district excise tax for the benefit of

75   the Raleigh County Economic Opportunity Development District which comprises approximately

76   1,600 acres of land, subject to Raleigh County holding a public hearing as provided in §7-22-6,

77   and in lieu of approval of the executive director of the development office obtaining the written

78   approval of the Secretary of Commerce as provided in §7-22-7(e). Additionally, any overlap of this

79   district into a municipal boundary must have written approval from the municipality to capture and

80   utilize municipal home rule tax for the special district.

NOTE: The purpose of this bill is to authorize Raleigh County to levy a special district excise tax for the benefit the Raleigh 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.