

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 3492

BY DELEGATES ROHRBACH, CRISS, HANSHAW (MR.
SPEAKER), AMOS, LUCAS, RILEY, AND HORNBUCKLE

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the City of Huntington to levy a special district excise tax for the benefit of
3 the City of Huntington Economic Opportunity Development District; requiring City of
4 Huntington to comply with requirements to hold a public hearing, submit a certain
5 application, and receive approval as required by law; and requiring jurisdictions authorized
6 to levy special excise tax to file a detailed annual report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 38. MUNICIPAL ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.

§8-38-9. Authorization to levy special district excise tax.

1 (a) *General.* — Municipalities have no inherent authority to levy taxes and have only that
2 authority expressly granted to them by the Legislature. The Legislature is specifically extended,
3 and intends by this article to exercise certain relevant powers expressed in section six-a, article
4 X of the Constitution of this state as follows: (1) The Legislature may appropriate state funds for
5 use in matching or maximizing grants-in-aid for public purposes from the United States or any
6 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
12 to 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,
21 including the unique characteristics of location, current condition and activity of and within the
22 area included in such proposed economic opportunity development district and that for such
23 reasons a statute more general in ultimate application is not feasible for accomplishment of the
24 intention and purpose of the Legislature in enacting this article. Therefore, no economic
25 opportunity development district excise tax may be levied by a municipality until after the
26 Legislature expressly authorizes the municipality 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 municipalities 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 City of South Charleston may levy a special district excise tax for the benefit of the
33 South Charleston Park Place Economic Opportunity Development District which comprises up to
34 two thousand one hundred contiguous acres of land.

35 (2) The City of Huntington may levy a special district excise tax for the benefit of the City
36 of Huntington Economic Opportunity Development District which comprises 146 acres of land,
37 subject to holding public hearing as provided in §8-38-6 of this code, submitting the application
38 required by §8-38-6 and §8-38-7 of this code, and obtaining the approval of the West Virginia
39 Division of Economic Development as provided in §8-38-7 of this code.

40 (c) *Annual Reports.* — Notwithstanding any other provision of this code to the contrary,
41 any jurisdiction that imposes a special district excise tax shall compile and issue an annual report
42 for each fiscal year of operation, such year beginning on July 1 and ending on June 30. The annual

43 report shall be issued on or before the next succeeding December 31 after the close of each fiscal
44 year.

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

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

48 (A) The amount of special district excise tax collected during the fiscal year;

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

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

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

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

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

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

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor