Committee Substitute for
House Bill 2709

BY DELEGATES NELSON, LANE, BYRD, WALTERS,
N. FOSTER, ROWE, ROBINSON, WHITE, PUSHKIN, CAPITO
AND MR. SPEAKER (MR. ARMSTEAD)

[Passed April 6, 2017; in effect ninety days from passage.]
Enr. CS for HB 2709

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

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for

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[Passed April 6, 2017; in effect ninety days from passage.]
AN ACT to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature's authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District.

Be it enacted by the Legislature of West Virginia:

That §8-38-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 38. MUNICIPAL ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.


(a) General. — Municipalities have no inherent authority to levy taxes and have only that authority expressly granted to them by the Legislature. The Legislature is specifically extended, and intends by this article to exercise certain relevant powers expressed in section six-a. article X of the Constitution of this state as follows: (1) The Legislature may appropriate state funds for use in matching or maximizing grants-in-aid for public purposes from the United States or any department, bureau, commission or agency thereof, or any other source, to any county, municipality or other political subdivision of the state, under such circumstances and subject to such terms, conditions and restrictions as the Legislature may prescribe by law; and (2) the Legislature may impose a state tax or taxes or dedicate a state tax or taxes or any portion thereof for the benefit of and use by counties, municipalities or other political subdivisions of the state for public purposes, the proceeds of any such imposed or dedicated tax or taxes or portion thereof to be distributed to such counties, municipalities or other political subdivisions of the state under such circumstances and subject to such terms, conditions and restrictions as the Legislature may prescribe.

Because a special district excise tax would have the effect of diverting, for a specified period of years, tax dollars which to the extent, if any, are not essentially incremental to tax dollars currently paid into the General Revenue Fund of the state, the Legislature finds that in order to
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substantially ensure that such special district excise taxes will not adversely impact the current
level of the General Revenue Fund of the state, it is necessary for the Legislature to separately
consider and act upon each and every economic development district which is proposed,
including the unique characteristics of location, current condition and activity of and within the
area included in such proposed economic opportunity development district and that for such
reasons a statute more general in ultimate application is not feasible for accomplishment of the
intention and purpose of the Legislature in enacting this article. Therefore, no economic
opportunity development district excise tax may be levied by a municipality until after the
Legislature expressly authorizes the municipality to levy a special district excise tax on sales of
tangible personal property and services made within district boundaries approved by the
Legislature.

(b) Authorizations. — The Legislature authorizes the following municipalities to levy
special district excise taxes on sales of tangible personal property and services made from
business locations in the following economic opportunity development districts.

The City of South Charleston may levy a special district excise tax for the benefit of the
South Charleston Park Place Economic Opportunity Development District which comprises up to
two thousand one hundred contiguous acres of land.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 21st day of April, 2017.

Governor