

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4753

BY DELEGATES DOYLE, S. BROWN AND PYLES

[Introduced February 07, 2020; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend and reenact §7-22-22 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §31-15-17 of said code, all relating to requiring the economic
 3 development authority and county commissions to obtain approval from county board of
 4 education for agreements that involve tax revenues that would be expended for public
 5 schools.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 22. COUNTY ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.

§7-22-22. Exemption from taxation.

1 The revenue bonds and notes issued pursuant to this article and the income therefrom
 2 are exempt from taxation except inheritance, estate, and transfer taxes; and the real and personal
 3 property which a county commission or district board acquires pursuant to the provisions of this
 4 article are exempt from taxation by the state or any county, municipality or other levying body, as
 5 public property so long as the property is owned by the county commission or the county board.
 6 Under no circumstance shall the county commission or district board be permitted to enter into
 7 any agreement with any instrumentality or agency, public or private, that would in any way involve
 8 or affect existing or potential future tax revenues that would be expended for public schools
 9 without the express consent of a majority vote of the county board or county boards of education
 10 in the county or counties where the economic development project is to be done.

CHAPTER 31. CORPORATIONS.

ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-17. Exemption from taxation.

1 The exercise of the powers granted to the authority by this article will be in all respects for
 2 the benefit of the people of the state for the improvement of their health, safety, convenience and
 3 welfare and is a public purpose. As the operation and maintenance of projects financed under

4 this article will constitute the performance of essential governmental functions, the authority shall
5 not be required to pay any taxes or assessments upon any property acquired or used by the
6 authority or upon the income therefrom. All bonds and notes of the authority, and all interest and
7 income thereon, shall be exempt from all taxation by this state and any county, municipality,
8 political subdivision or agency thereof, except inheritance taxes. Under no circumstance shall the
9 authority be permitted to enter into any agreement with any instrumentality or agency, public or
10 private, that would in any way involve or affect existing or potential future tax revenues that would
11 be expended for public schools without the express consent of a majority vote of the county board
12 or county boards of education in the county or counties where an economic development project
13 is to be done.

NOTE: The purpose of this bill is to require the authority to obtain approval from county board of education for agreements that involve tax revenues that would be expended for public schools.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.