

1 Legislature to phase in an exemption or rate reduction over a
2 period not to exceed five years on property being taxed at the
3 time an exemption or rate reduction takes effect; numbering
4 and designating such proposed amendment; and providing a
5 summarized statement of the purpose of such proposed
6 amendment.

7 *Resolved by the Legislature of West Virginia, two thirds of*
8 *the members elected to each house agreeing thereto:*

9 That the question of ratification or rejection of an amendment
10 to the Constitution of the State of West Virginia be submitted to
11 the voters of the state at the next general election to be held in
12 the year 2012, which proposed amendment is that article X thereof
13 be amended by adding thereto a new section, designated section one-
14 d, to read as follows:

15 **ARTICLE X. TAXATION AND FINANCE.**

16 **§1d. Exemption of tangible personal property from ad valorem**
17 **taxation; reduction in maximum levy rates; replacement of**
18 **lost revenues; impact upon excess levies; phase in of**
19 **exemption or rate reduction.**

20 Any other provision of this Constitution notwithstanding, the
21 Legislature may by general law exempt tangible personal property
22 from ad valorem property taxation, or such types thereof as the
23 Legislature may by law designate. As an alternative to exempting
24 tangible personal property from ad valorem property taxation, the

1 Legislature may by general law reduce the maximum levy rates
2 provided in section one of this article on such property, or such
3 types thereof as the Legislature may by law designate. Should the
4 Legislature enact such an exemption or rate reduction, it shall at
5 the same time by general law provide measures by which revenues
6 reduced or lost as a result of such exemption or rate reduction may
7 be replaced. Any such exemption or rate reduction may not work to
8 reduce any excess levy in effect at the time such exemption or rate
9 reduction takes effect, but only for such time as such excess levy
10 is in effect. Any exemption or rate reduction under this section
11 may be phased in by the Legislature by general law over a period
12 not to exceed five years for tangible personal property being taxed
13 as of the time such exemption or rate reduction takes effect.

14 *Resolved further,* That in accordance with the provisions of
15 article eleven, chapter three of the Code of West Virginia, 1931,
16 as amended, such proposed amendment is hereby numbered "Amendment
17 No. 1" and designated as the "Tangible Personal Property Tax
18 Exemption and Rate Reduction Amendment" and the purpose of the
19 proposed amendment is summarized as follows: "To amend the State
20 Constitution to permit the Legislature to exempt or reduce maximum
21 levy rates on tangible personal property from ad valorem taxation,
22 or such types thereof as the Legislature may designate, and to
23 require the Legislature to provide measures by which revenues
24 reduced or lost as a result of such exemption or rate reduction may

1 be replaced.”

(NOTE: The purpose of this resolution is to submit the proposed "Tangible Personal Property Tax Exemption and Rate Reduction Amendment" to the Constitution of the State to the people of the state for ratification or rejection at the general election of 2012.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)