

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 336

FISCAL
NOTE

BY SENATOR MAYNARD

[Introduced January 16, 2019; Referred
to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, and §11-28-5, all relating to creating
 3 the West Virginia Motorsports Entertainment Complex Investment Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 28: MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT.

§11-28-1. Act created.

1 This article may be cited as the West Virginia Motorsports Entertainment Complex
 2 Investment Act.

§11-28-2. Findings.

1 The Legislature finds that motorsports is a popular spectator sport the growth of which
 2 holds potential for significant economic impact by providing additional entertainment venues for
 3 West Virginia citizens and for creating tourist destinations. The state recognizes the importance
 4 of providing incentives through which large-scale investment in a motorsport entertainment
 5 complex would be attracted to the state.

§11-28-3. Definitions.

1 For purposes of this article:

2 “Company” means any corporation, partnership, limited liability company, or other
 3 business entity.

4 “Department” means the Department of Tax and Revenue.

5 “Motorsports entertainment complex” means a motorsports facility, and its ancillary
 6 grounds and facilities, that is designed to qualify as an officially-sanctioned motor speedway or
 7 racetrack.

§11-28-4. Exemption from tax.

1 (a) A company currently operating, or upon making application for, meeting the
 2 requirements of, and receiving written certification of that designation from the department, as
 3 provided in subsection §11-28-4(b) of this code, is exempt from state and local sales tax on

4 building materials, supplies, fixtures, and equipment for the construction, repair, or improvement
5 of or that become a part of a motorsports entertainment complex.

6 (b) A company shall become a qualified company by applying with the department. The
7 director of the department shall approve the application so long as the application is accompanied
8 by a practical plan to make a capital investment on any motorsports entertainment complex in this
9 state. Upon receiving written certification from the department, a company may use the exemption
10 specified in subsection (a).

11 (c) Once a company has met the requirements of §11-28-4(b) of this code, the department
12 shall issue a sales tax exemption certificate to the company as evidence of the exemption. The
13 exemption is effective upon receipt and shall remain effective until December 31 of the fifth full
14 calendar year after its issuance. Once the exemption certificate is ineffective, the company must
15 return the exemption certificate to the department and submit a report to the department of the
16 actual expenditures made in West Virginia in connection with the investment. The company must
17 designate a member or representative of the company to work with the department on reporting
18 of the investment.

§11-28-5. Time effective.

1 Except where specified otherwise, this article takes effect upon approval by the Governor
2 and applies to tax years beginning after 2019.

NOTE: The purpose of this bill is to provide tax relief to encourage investment in motorsports entertainment complexes.

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