

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 2462**

5 (By Mr. Speaker, (Mr. Armstead) and Delegate Miley)

6 [By Request of the Executive]

7 [Passed March 9, 2015; in effect ninety days from passage.]

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11 AN ACT to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating
12 to the dedication and deposit of certain tax proceeds; reducing the amount of sales tax
13 proceeds annually dedicated to the School Major Improvement Fund by \$2,000,004 for the
14 fiscal year 2016; reducing the amount of sales tax proceeds annually dedicated to the School
15 Construction Fund by \$6 million for the fiscal years 2016; and making stylistic changes.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §11-15-30 of the Code of West Virginia, 1931, as amended, be amended and reenacted
18 to read as follows:

19 **ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.**

20 **§11-15-30. Proceeds of tax; appropriation of certain revenues.**

21 (a) The proceeds of the tax imposed by this article shall be deposited in the General Revenue
22 Fund of the state except as otherwise expressly provided in this article.

23 (b) *School Major Improvement Fund.* -- After the payment or commitment of the proceeds
24 or collections of this tax for the purposes set forth in section sixteen of this article, on the first day

1 of each month, there shall be dedicated monthly from the collections of this tax, the amount of
2 \$416,667.00 and the amount dedicated shall be deposited on a monthly basis into the School Major
3 Improvement Fund created pursuant to section six, article nine-d, chapter eighteen of this code:
4 *Provided*, That for fiscal year 2016, the amount so dedicated and deposited annually under this
5 subdivision is reduced by \$2,000,004, and the amount so dedicated and deposited monthly is reduced
6 to \$250,000.00 for fiscal year 2016. This reduction shall cease for fiscal years beginning after June
7 30, 2016.

8 (c) *School Construction Fund*. -- After the payment or commitment of the proceeds or
9 collections of this tax for the purposes set forth in section sixteen of this article:

10 (1) On the first day of each month, there shall be dedicated monthly from the collections of
11 this tax the amount of \$1,416,667.00 and the amount dedicated shall be deposited into the School
12 Construction Fund created pursuant to section six, article nine-d, chapter eighteen of this code.

13 (2) Except as provided in subdivision (3) of this subsection, effective July 1, 1998, there shall
14 be dedicated from the collections of this tax an amount equal to any annual difference that may occur
15 between the debt service payment for the 1997 fiscal year for school improvement bonds issued
16 under the Better School Building Amendment under the provisions of article nine-c, chapter eighteen
17 of this code and the amount of funds required for debt service on these school improvement bonds
18 in any current fiscal year thereafter. This annual difference shall be prorated monthly, added to the
19 monthly deposit in subdivision (1) of this subsection and deposited into the School Construction
20 Fund created pursuant to section six, article nine-d, chapter eighteen of this code.

21 (3) After June 30, 2015, the provisions of subdivision (2) of this subsection shall have no
22 force or effect. After June 30, 2015, there shall be dedicated from the collections of this tax the
23 amount of \$27,216,996 annually. This amount shall be prorated monthly and added to the monthly

1 deposit in subdivision (1) of this subsection and deposited into the School Construction Fund created
2 pursuant to section six, article nine-d, chapter eighteen of this code: *Provided*, That for fiscal year
3 2016, the amount so dedicated annually under this subdivision is reduced by \$6 million. This
4 reduction shall cease for fiscal years beginning after June 30, 2016.

5 (d) *Prepaid wireless calling service*. -- The proceeds or collections of this tax from the sale
6 of prepaid wireless service are dedicated as follows:

7 (1) The tax imposed by this article upon the sale of prepaid wireless calling service is in lieu
8 of the wireless enhanced 911 fee imposed by section six-b, article six, chapter twenty-four of this
9 code.

10 (2) Within thirty days following the end of each calendar month, the Tax Commissioner shall
11 remit to the Public Service Commission the proceeds of the tax imposed by this article upon the sale
12 of prepaid wireless calling service in the preceding month, determined as follows: For purposes of
13 determining the amount of those monthly proceeds, the Tax Commissioner shall use an amount equal
14 to one twelfth of the wireless enhanced 911 fees collected from prepaid wireless calling service
15 under section six-b, article six, chapter twenty-four of this code during the period beginning on July
16 1, 2007, and ending on June 30, 2008. Beginning on July 1, 2009, the Tax Commissioner shall
17 adjust this amount annually by an amount proportionate to the increase or decrease in the enhanced
18 wireless 911 fees paid to the Public Service Commission under said section during the previous
19 twelve months. The Public Service Commission shall receive, deposit and disburse the proceeds in
20 the manner prescribed in said section.