

COMMITTEE SUBSTITUTE

for

**H. B. 2462**

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(BY MR. SPEAKER, (MR. ARMSTEAD)

AND DELEGATE MILEY)

**[BY REQUEST OF THE EXECUTIVE]**

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(Originating in the Committee on Finance)

[February 23, 2015]

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

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

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

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

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

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

4 (b) *School Major Improvement Fund.* — After the payment  
5 or commitment of the proceeds or collections of this tax for the  
6 purposes set forth in ~~sections~~ section sixteen ~~and eighteen~~ of this  
7 article, on the first day of each month, there shall be dedicated  
8 monthly from the collections of this tax, the amount of  
9 \$416,667.00 and the amount dedicated shall be deposited on a  
10 monthly basis into the School Major Improvement Fund created  
11 pursuant to section six, article nine-d, chapter eighteen of this  
12 code: Provided, That for fiscal year 2016, the amount so  
13 dedicated and deposited annually under this subdivision is  
14 reduced by \$2,000,004, and the amount so dedicated and  
15 deposited monthly is reduced to \$250,000.00 for fiscal year

16 2016. This reduction shall cease for fiscal years beginning after  
17 June 30, 2016.

18 (c) *School Construction Fund.* — After the payment or  
19 commitment of the proceeds or collections of this tax for the  
20 purposes set forth in ~~sections~~ section sixteen ~~and eighteen~~ of this  
21 article:

22 (1) On the first day of each month, there shall be dedicated  
23 monthly from the collections of this tax the amount of  
24 \$1,416,667.00 and the amount dedicated shall be deposited into  
25 the School Construction Fund created pursuant to section six,  
26 article nine-d, chapter eighteen of this code.

27 (2) ~~Effective~~ Except as provided in subdivision (3) of this  
28 subsection, effective July 1, 1998, there shall be dedicated from  
29 the collections of this tax an amount equal to any annual  
30 difference that may occur between the debt service payment for  
31 the 1997 fiscal year for school improvement bonds issued under  
32 the Better School Building Amendment under the provisions of  
33 article nine-c, chapter eighteen of this code and the amount of  
34 funds required for debt service on these school improvement  
35 bonds in any current fiscal year thereafter. This annual

36 difference shall be prorated monthly, added to the monthly  
37 deposit in subdivision (1) of this subsection and deposited into  
38 the School Construction Fund created pursuant to section six,  
39 article nine-d, chapter eighteen of this code.

40 (3) After June 30, 2015, the provisions of subdivision (2) of  
41 this subsection shall have no force or effect. After June 30, 2015,  
42 there shall be dedicated from the collections of this tax the  
43 amount of \$27,216,996 annually. This amount shall be prorated  
44 monthly and added to the monthly deposit in subdivision (1) of  
45 this subsection and deposited into the School Construction Fund  
46 created pursuant to section six, article nine-d, chapter eighteen  
47 of this code: *Provided*, That for fiscal year 2016, the amount so  
48 dedicated annually under this subdivision is reduced by \$6  
49 million. This reduction shall cease for fiscal years beginning  
50 after June 30, 2016.

51 (d) *Prepaid wireless calling service.* — The proceeds or  
52 collections of this tax from the sale of prepaid wireless service  
53 are dedicated as follows:

54 (1) The tax imposed by this article upon the sale of prepaid  
55 wireless calling service is in lieu of the wireless enhanced 911

56 fee imposed by section six-b, article six, chapter twenty-four of  
57 this code.

58 (2) Within thirty days following the end of each calendar  
59 month, the Tax Commissioner shall remit to the Public Service  
60 Commission the proceeds of the tax imposed by this article upon  
61 the sale of prepaid wireless calling service in the preceding  
62 month, determined as follows: For purposes of determining the  
63 amount of those monthly proceeds, the Tax Commissioner shall  
64 use an amount equal to one twelfth of the wireless enhanced 911  
65 fees collected from prepaid wireless calling service under section  
66 six-b, article six, chapter twenty-four of this code during the  
67 period beginning on July 1, 2007, and ending on June 30, 2008.  
68 Beginning on July 1, 2009, the Tax Commissioner shall adjust  
69 this amount annually by an amount proportionate to the increase  
70 or decrease in the enhanced wireless 911 fees paid to the Public  
71 Service Commission under said section during the previous  
72 twelve months. The Public Service Commission shall receive,  
73 deposit and disburse the proceeds in the manner prescribed in  
74 said section.





