WEST VIRGINIA LEGISLATURE
Second Extraordinary Session, 2006

ENROLLED

Senate Bill No. 2003

(By Senators Tomblin, Mr. President, and Sprouse, By Request of the Executive)

[Passed November 14, 2006; in effect ninety days from passage.]
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AN ACT to amend and reenact §11-15-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15-3b, all relating to the consumers sales and service tax generally; reducing the consumers sales and service tax on sales, purchases and uses of food and food ingredients intended for human consumption; and providing exceptions to the reduced rate of tax.

Be it enacted by the Legislature of West Virginia:

That §11-15-3a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §11-15-3b, all to read as follows:
ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.


1 (a) Rate of tax on food and food ingredients. — Notwithstanding any provision of this article or article fifteen-a of this chapter to the contrary, the rate of tax on sales, purchases and uses of food and food ingredients intended for human consumption after the thirty-first day of December, two thousand five, shall be five percent of its sales price, as defined in section two, article fifteen-b of this chapter: Provided, That the rate of tax on sales, purchases and uses of food and food ingredients, as defined in said section, that is intended for human consumption after the thirtieth day of June, two thousand seven, shall be four percent of its sales price, as defined in said section: Provided, however, That the rate of tax on sales, purchases and uses of food and food ingredients as defined in said section that is intended for human consumption after the thirtieth day of June, two thousand eight, shall be three percent of its sales price, as defined in said section.

2 (b) Calculation of tax on fractional parts of a dollar. — The tax computation under this section shall be carried to the third decimal place and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The seller may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.

3 (c) Federal food stamp and women, infants and children programs, other exemptions. — Nothing in this
section shall affect application of the exemption from
tax provided in section nine of this article for food
purchased by an eligible person using food stamps,
electronic benefits transfer cards or vouchers issued by
or pursuant to authorization of the United States
Department of Agriculture to individuals participating
in the federal food stamp program, by whatever name
called, or the women, infants and children (WIC)
program, or application of any other exemption from
tax set forth in this article or article fifteen-a of this
chapter.

§11-15-3b. Exceptions to reduced rate of tax on food and food
ingredients intended for human consumption.

The reduced rate of tax provided on food and food
ingredients intended for human consumption provided
in section three-a of this article shall not apply to sales,
purchases and uses by consumers of "prepared food",
as defined in article fifteen-b of this chapter, which
shall remain taxable at the general rate of tax specified
in section three of this article and section two, article
fifteen-a of this chapter: Provided, That after the
thirtieth day of June, two thousand seven, the reduced
rate of tax provided in section three-a of this article
shall not apply to sales, purchases and uses by
consumers of "prepared food", "food sold through
vending machines" and "soft drinks" as defined in
article fifteen-b of this chapter, which shall be taxed at
the general rate of tax specified in section three of this
article and section two, article fifteen-a of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this 30th Day of November, 2006.

Governor
PRESENTED TO THE
GOVERNOR

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Time 10:30 AM