

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

2000 JUL 27 PM 3:44

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Tax Department TITLE NUMBER: 110

RULE TYPE: Legislative CITE AUTHORITY W. Va. Code §§7-22-12 and 8-38-12

AMENDMENT TO AN EXISTING RULE: YES _____ NO X _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

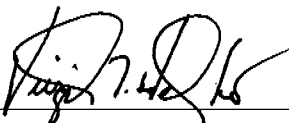
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 39

TITLE OF RULE BEING PROPOSED: Electronic Filing and Payment of
Special District Excise Tax

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 28, 2008 AT 5:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Legal Division
State Tax Department
P.O. Box 1005
Charleston, WV 25324-1005

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Virgil T. Helton
Cabinet Secretary of the Department of Revenue

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**TITLE 110
PROCEDURAL RULE
STATE TAX DEPARTMENT**

2009 JUN 27 PM 3:44

**SERIES 39
ELECTRONIC FILING AND PAYMENT
OF SPECIAL DISTRICT EXCISE TAX**

§110-39-1. General.

1.1. Scope -- This rule sets forth the procedures established by the West Virginia State Tax Department for the electronic filing of returns and payments for the special district excise tax.

1.2. Authority. -- W. Va. Code §7-22-12 and §8-38-12.

1.3. Filing Date. -- --.

1.4. Effective Date. -- --.

§110-39.2. Tax Types Covered.

2.1. This rule shall apply to the special district excise tax for municipalities authorized in §7-22-12 of the West Virginia Code and the special district tax for counties authorized in §8-38-12 of the West Virginia Code.

2.2. This rule shall also apply to any sales tax collected within the special excise district on sales of tangible personal property or selected services, as defined in title 110, series 15 of the West Virginia Code of State Rules.

§110-39.3. Electronic filing of returns.

3.1. Returns for the special district excise tax shall be filed on a form provided by the State Tax Department. Returns for any sales tax collected within the special excise district shall also be filed on a form provided by the State Tax Department. The forms shall be filed electronically, in accordance with the procedures set forth in title 110, series 10D of the West Virginia Code of State Rules, which shall be read and applied in extenso with this rule. Notwithstanding any provision of the West Virginia Code or the West Virginia Code of State Rules to the contrary, all of the returns of taxes covered by this rule shall be filed electronically, regardless of the amounts due.

§110-39-4. Electronic payment of tax.

4.1. Payments of the special district excise tax shall be by electronic funds transfer, in accordance with the procedures set forth in title 110, series 10F of the West Virginia Code of State Rules, which shall be read and applied in extenso with this rule.

4.2. Payments of any sales tax collected within the special excise district shall be by electronic funds transfer, in accordance with the procedures set forth in title 110, series 10F of the West Virginia Code of State Rules, which shall be read and applied in extenso with this rule.

4.3. Notwithstanding any provision of the West Virginia Code or the West Virginia Code of State Rules to the contrary, all of the taxes covered by this rule shall be paid electronically, regardless of the amounts due.

§110-39-5. Information sharing.

5.1. The Tax Commissioner may enter into written exchange of information agreements with the municipal or county authorities responsible for the administration of special district excise taxes to disclose and receive return information. Such agreements shall be published in the State Register and shall only be for the purpose of facilitating administration and collection of the special district excise tax. The provisions of this Section shall not be construed to preclude or limit disclosure of tax information authorized by any provision of the West Virginia Code. Any confidential return information so disclosed shall remain confidential in the hands of such other agency to the extent provided by W. Va. Code §11-10-5d and by other applicable federal or State laws.

5.2. Notwithstanding the provisions of section five-d, article ten, chapter eleven of this code:

5.2.1. So long as bonds are outstanding pursuant to article twenty-two, chapter seven or article thirty eight, chapter eight of the West Virginia Code, the Tax Commissioner shall provide on a monthly basis to the trustee for bonds issued pursuant to that article, information on returns submitted pursuant to this rule; and,

5.2.2. The Tax Commissioner or the trustee may share the information so obtained with the county commission, municipality or district board and with the bondholders and bond counsel for bonds issued pursuant to article twenty-two, chapter seven or article eight, chapter thirty-eight.

5.2.3. The Tax Commissioner and the trustee may enter into a written agreement in order to accomplish the exchange of information.

SUMMARY OF TITLE 110, SERIES 39 LEGISLATIVE RULE

The proposed rule sets forth the procedures established by the West Virginia State Tax Department for the electronic filing of returns and payments for the special district excise tax.

The proposed rule also applies to the collection of the tax on sales of tangible personal property and selected services within the special excise district. The proposed bill requires that returns for the special district excise tax and the consumers sales and service tax on sales within the special excise district be filed electronically on a form provided by the State Tax Department, regardless of the amounts due.

The proposed rule further requires that payments of the special district excise tax and the consumers sales and service tax on sales within the special excise district be remitted by electronic funds transfer (EFT).

The proposed rule authorizes the Tax Commissioner to enter into information exchange agreements with the county or municipal authorities responsible for administering the special district excise taxes. Additionally, the proposed rule requires the Tax Commissioner to provide information to the trustee of economic opportunity district development bonds issued pursuant to chapter seven, article twenty-two, or chapter eight, article thirty-eight of the West Virginia Code.

110 C.S.R. 39
ELECTRONIC FILING AND PAYMENT
OF SPECIAL DISTRICT EXCISE TAX
STATEMENT OF CIRCUMSTANCES

The legislative rule was authorized by enrolled committee substitute for H.B. 4607, amending W. Va. Code §7-22-12 and §8-38-12, authorizing the Tax Commissioner to promulgate rules prescribing the criteria and procedures for electronic filing of returns and payment by electronic funds transfer of the special district excise tax.

FISCAL NOTE FOR PROPOSED RULES

Phone Number: (304) 558-5330 Email:

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	\$0	\$0	\$0
Personal Services	\$0	\$0	\$0
Current Expenses	\$0	\$0	\$0
Repairs & Alterations	\$0	\$0	\$0
Assets	\$0	\$0	\$0
Other	\$0	\$0	\$0
2. Estimated Total Revenues	\$0	\$0	\$0

Rule Title: Electronic Filing and Payment of Special District Excise Tax (110 CSR 39)

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues:

Approval of this proposed rule will not increase or decrease revenue or costs.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Since the proposed rule merely alters the method of payment of the Special District Excise Tax and not the payment itself, there will be no net fiscal impact. However, the electronic filing of returns and payments may enhance the timing of revenue transfers to the special districts.

Date: 6/27/08

Signature of Agency Head or Authorized Representative:



Virgil T. Helton, Cabinet Secretary
West Virginia Department of Revenue