

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2011 NOV 22 PM 3: 12
OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: State Tax Department TITLE NUMBER: 110

CITE AUTHORITY W. Va. Code §§ 11-10-5 and 11-10-5s

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

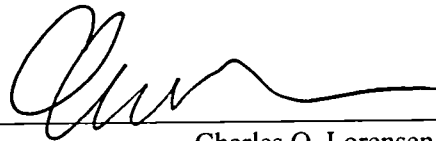
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 50G

TITLE OF RULE BEING PROPOSED: Echange of Information Agreement Between the State Tax Department
and the Department of Commerce, the Department of Transportation and the Department of Environmental
Protection

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE
RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND
COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED
MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Charles O. Lorensen
Cabinet Secretary of the Department of Revenue

**STATE TAX DEPARTMENT
110 C.S.R. 50G
EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE
STATE TAX DEPARTMENT AND THE DEPARTMENT OF COMMERCE, THE
DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION
SUMMARY OF RULE**

Senate Bill 465, enacted March 12, 2011, amended West Virginia Code § 11-13Q-20 to require that on or before February 1, 2013, the Department of Commerce, in consultation with the Tax Commissioner, the Department of Transportation and the Department of Environmental Protection submit to the Governor, the President of the Senate and the Speaker of the House of Delegates a report on the impact of all the tax credits and other economic incentives provided in S.B. 465. The report is to include the impact on economic development in this State, including but not limited to the creation of jobs in this State, upon the State's infrastructure, including but not limited to the need for construction or maintenance of the roads and highways of this State, upon the natural resources of this State, and upon public and private property interests in this State. This rule will facilitate the consultation process and the provision of any necessary information to the agencies involved.

**STATE TAX DEPARTMENT
110 C.S.R. 50G
EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE
STATE TAX DEPARTMENT AND THE DEPARTMENT OF COMMERCE, THE
DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION
STATEMENT OF CIRCUMSTANCES**

Senate Bill 465, enacted March 12, 2011, amended West Virginia Code § 11-13Q-20 to require that on or before February 1, 2013, the Department of Commerce, in consultation with the Tax Commissioner, the Department of Transportation and the Department of Environmental Protection submit to the Governor, the President of the Senate and the Speaker of the House of Delegates a report on the impact of all the tax credits and other economic incentives provided in S.B. 465. The report is to include the impact on economic development in this State, including but not limited to the creation of jobs in this State, upon the State's infrastructure, including but not limited to the need for construction or maintenance of the roads and highways of the State, upon the natural resources of the State, and upon public and private property interests in the State.

This rule will facilitate the consultation process and the provision of any necessary information to the agencies involved. It is possible that without this rule and the resulting agreements, some information may not be exchanged because it may involve confidential tax payer information.

MODIFIED
TITLE 110
LEGISLATIVE RULE
STATE TAX DEPARTMENT

FILED
2011 NOV 22 PM 3:12
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 50G
EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE
STATE TAX DEPARTMENT AND THE DEPARTMENT OF COMMERCE, THE
DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

§110-50G-1. General.

1.1 Scope. – This rule authorizes certain information to be exchanged pursuant to a written interagency agreement between the State Tax Department and the Department of Commerce, the Department of Transportation and the Department of Environmental Protection.

1.2 Authority. – This rule is promulgated under the authority of W. Va. Code §§11-10-5 and 11-10-5s.

1.3. Filing Date.

1.4. Effective Date.

§110-50G-2. Purpose. Senate Bill 465, enacted March 12, 2011, amended West Virginia Code §11-13Q-20 to require that on or before February 1, 2013, the Department of Commerce, in consultation with the Tax Commissioner, the Department of Transportation and the Department of Environmental Protection submit to the Governor, the President of the Senate and the Speaker of the House of Delegates a report of the impact of all the tax credits and other economic incentives provided in S.B. 465. The report is to include the impact:

2.1. On economic development in this state, including but not limited to the creation of jobs in this state;

2.2. Upon the state's infrastructure, including but not limited to the need for construction or maintenance of the roads and highways of the state;

2.3. Upon the natural resources of the state; and

2.4. Upon public and private property interests in the state.

This rule will facilitate the consultation process and the provision of any necessary information to the agencies involved.

§110-50G-3. Disclosure of Certain Information Authorized.

3.1. In accordance with W. Va. Code §11-10-5s(b)(4), the State Tax Commissioner and the Department of Commerce, the Department of Transportation

and the Department of Environmental Protection may, in order to accomplish the purposes set forth in section two of this rule, exchange information pursuant to a written agreement specifying the type and manner of information to be exchanged and containing provisions for safe guarding any confidential information received pursuant to the agreement.

3.2. The State Tax Commissioner shall file with the Office of Secretary of State a copy of any exchange of information agreement entered into pursuant to this rule, including any subsequent revision of the agreement, or amendment, in order to allow an opportunity for public comment.