

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

Form #2

Do Not Mark In This Box

**FILED**

2015 JUN 11 P 12:42

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: State Tax Department TITLE NUMBER: 110

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code 11-10-5 and 11-10-5s

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

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

TITLE OF RULE BEING PROPOSED: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE  
COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF  
REVENUE AND THE SECRETARY OF THE DEPARTMENT OF  
COMMERCE. THE SECRETARY OF THE DEPARTMENT OF

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 13, 2015 AT 12:00 noon 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.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**TITLE 110  
LEGISLATIVE RULE  
STATE TAX DIVISION**

**SERIES 50H  
EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER  
OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE  
SECRETARY OF THE DEPARTMENT OF COMMERCE, THE SECRETARY OF THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE DIRECTOR OF THE  
DIVISION OF FORESTRY OF THE DEPARTMENT OF COMMERCE, AND THE  
COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION.**

**STATEMENT OF CIRCUMSTANCES  
AND  
SUMMARY OF RULE**

The ability of the Tax Department to exchange information with certain agencies will be of substantial assistance to each agency.

The Tax Commissioner is prohibited by West Virginia Code § 11-10-5s from sharing any confidential taxpayer information without an authorization from the Legislature in the form of a legislative rule. This rule seeks to satisfy that requirement in that it authorizes the Tax Commissioner to enter into an agreement for the purpose of sharing information between the specified agencies so as to facilitate premium collection, tax collection or licensure requirements directly enforced, administered or collected by the other State agency or the Tax Commissioner.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE SECRETARY OF THE DEPARTMENT

Type of Rule:  Legislative  Interpretive  Procedural

Agency: State Tax Department

Address: P.O. Box 1005  
Charleston, WV 25324

Phone Number: 304-558-5330 Email: Mark.S.Morton@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The ability of the Tax Department to exchange information with certain agencies will be of substantial assistance to each agency.

The Tax Commissioner is prohibited by West Virginia Code § 11-10-5s from sharing any confidential taxpayer information without an authorization from the Legislature in the form of a legislative rule. This rule seeks to satisfy that requirement in that it authorizes the Tax Commissioner to enter into an agreement for the purpose of sharing information between the specified agencies so as to facilitate premium collection, tax collection or licensure requirements directly enforced, administered or collected by the other State agency or the Tax Commissioner.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE SECRETARY OF THE DEPARTMENT OF COMMERCE THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL

Rule Title:

EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE SECRETARY OF THE DEPARTMENT OF COMMERCE, THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

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

There should be no increase in costs to provide information requested as a result of the rule becoming effective

**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.

**A. Economic Impact on State Government.**

From the perspective of the Tax Department, there should be no economic impact on State government. Other agencies involved in the information sharing should provide relevant information in this regard.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.**

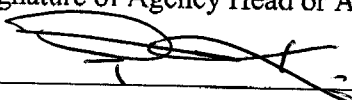
From the perspective of the Tax Department, there should be no economic impact on political subdivisions, specific industries, or specific groups of citizens. Other agencies involved in the information sharing should provide relevant information in this regard.

**C. Economic Impact on Citizens/Public at Large.**

From the perspective of the Tax Department, there should be no economic impact on citizens or the public at large. Other agencies involved in the information sharing should provide relevant information in this regard.

Date: 6-11-15

Signature of Agency Head or Authorized Representative

  
\_\_\_\_\_

**QUESTIONNAIRE**

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: \_\_\_\_\_

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) State Tax Department, Legal Division, 1001 Lee Street, East, Charleston, WV 25324-1005 (304) 558-5330

LEGISLATIVE RULE TITLE: **EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE SECRETARY OF THE DEPARTMENT OF COMMERCE, THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE DIRECTOR OF THE DIVISION OF FORESTRY OF THE DEPARTMENT OF COMMERCE, AND THE COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION.**

1. Authorizing statute(s) citation West Virginia Code §§11-10-5 and 5s.
  
2.
  - a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 11, 2015
  
  - b. What other notice, including advertising, did you give of the hearing?  
None
  
  - c. Date of Public Hearing(s) or Public Comment Period ended:  
July 13, 2015
  
  - d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached     N/A     No comments received \_\_\_\_\_
  
  - e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)  
\_\_\_\_\_

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Mark S. Morton, General Counsel for Revenue Operations

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

304-558-5330 (tel) 304-558-8728 (fax)

Mark.S.Morton@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

\_\_\_\_\_  
\_\_\_\_\_

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

- b. Date of hearing or comment period:

N/A

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

- d. Attach findings and determinations and reasons:

Attached N/A

TITLE 110  
LEGISLATIVE RULE  
STATE TAX DIVISION

FILED

SERIES 50H

2015 JUN 11 P 12:42

EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER  
OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE  
SECRETARY OF THE DEPARTMENT OF COMMERCE, THE SECRETARY OF THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE DIRECTOR OF THE  
DIVISION OF FORESTRY OF THE DEPARTMENT OF COMMERCE, AND THE  
COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION.

**§110-50H-1. General.**

1.1. Scope. -- This legislative rule authorizes certain information to be exchanged pursuant to a written interagency agreement between the Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of Commerce, the Secretary of the Department of Environmental Protection, the Director of the Division of Forestry of the Department of Commerce, and the Commissioners of the Public Service Commission.

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

1.3. Filing Date. --, 2016.

1.4. Effective Date. -- , 2016.

**§110-50H-2. Purposes.**

2.1. W. Va. Code §11-10-5s(b)(4) authorizes the West Virginia State Tax Commissioner to promulgate legislative rules regarding a written exchange of information agreement with another State agency if the purpose of the agreement is to facilitate premium collection, tax collection or licensure requirements directly enforced, administered or collected by the other State agency or the Tax Commissioner.

2.2. The purpose of this legislative rule is to comply with West Virginia Code §11-10-5s(b)(4) in order to permit the Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of

Commerce, the Secretary of The Department of Environmental Protection, the Director of the Division of Forestry of the Department of Commerce, and the Commissioners of the Public Service Commission, to more efficiently and effectively perform their responsibilities for tax collection and licensing, including determining whether businesses are licensed to do business in West Virginia and that the taxes of those businesses are current.

**§110-50H-3. Disclosure of Certain Information Authorized.**

3.1. The Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of Commerce, the Secretary of the Department of Environmental Protection, the Director of the Division of Forestry of the Department of Commerce, and the Commissioners of the Public Service Commission may, in order to accomplish the purposes set forth in Section two of this legislative rule, exchange information pursuant to a written agreement specifying the type and manner of information to be exchanged and containing appropriate provisions for safeguarding any confidential tax information received pursuant to the agreement.

3.2. A copy of any exchange of information agreement entered into pursuant to this rule, including any subsequent revision(s) of the agreement, or amendment(s) to the agreement, shall be filed by the Tax Commissioner in the State Register on or before the effective date of the agreement or any revision or amendment of the agreement.