



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Tax TITLE-SERIES: 110-50C

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: EXCHANGE OF INFORMATION PURSUANT TO WRITTEN AGREEMENT

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 5s; §§60-9-5(a) and 8(a); §21-1B-3; §29A-1-1 et seq.; and, §47-25-1 et seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/26/2018 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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Charleston, WV 25324

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE 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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON 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.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

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.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 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 and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There should be no increase in costs to provide information requested as a result of the rule becoming effective, however there may be some efficiency gains for operations of State government.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Elizabeth G Steiner -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

110CSR50C

TITLE 110
LEGISLATIVE RULE
STATE TAX DIVISION

SERIES 50C
EXCHANGE OF INFORMATION PURSUANT TO WRITTEN AGREEMENT

§110-50C-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 Director of the Division of Forestry of the Department of Commerce, the Commissioners of the Public Service Commission, the Secretary of the Department of Environmental Protection, the Commissioner of the Alcohol Beverage Control Administration of the Department of Revenue, the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Executive Director of Workforce West Virginia (Formerly the Bureau of Employment Programs), the Office of the Governor, the Director of the West Virginia Lottery, and, the State Fire Marshal.

1.2. Authority. -- This legislative rule is promulgated under authority of W. Va. Code §§11-10-5 and 5s; §§60-9-5(a) and 8(a); §21-1B-3; §29A-1-1 *et seq.*; and, §47-25-1 *et seq.*

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§110-50C-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 Director of the Division of Forestry of the Department of Commerce, the Commissioners of the Public Service Commission, the Secretary of the Department of Environmental Protection, the Commissioner of the Alcohol Beverage Control Administration of the Department of Revenue, the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Executive Director of Workforce West Virginia (Formerly the Bureau of Employment Programs), the Office of the Governor, the Director of the West Virginia Lottery, and, the State Fire Marshal 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.

§110-50C-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 Director of the Division of Forestry of the Department of Commerce, the Commissioners of the Public Service Commission, the Secretary of the Department of Environmental Protection, the Commissioner of the Alcohol Beverage Control Administration of the Department of Revenue, the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Executive Director of Workforce West Virginia (Formerly the Bureau of Employment Programs), the Office of the Governor, the Director of the West Virginia Lottery, and, the State Fire Marshal 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.

§110-50C-4. Consolidation of Rules.

4.1 Previously promulgated Legislative Rule 110-50A (Department of Environmental Protection), effective date May 1, 1995, has been consolidated into this rule to promote efficiency and to facilitate the exchange of information in addition to that information provided to the Division of Environmental Protection pursuant to the existing information exchange agreement authorized by Section 9 of the Solid Waste Assessment Fee Regulations, 110 C.S.R. 6A.

4.2 Previously promulgated Legislative Rule 110-50B (Alcohol Beverage Control Administration), effective date May 1, 2001, has been consolidated into this rule to promote efficiency.

4.3 Previously promulgated Legislative Rule 110-50D (Division of Labor, Office of the Insurance Commissioner, Division of Motor Vehicles, and WorkForce (formerly the Bureau of Employment Programs)), effective date May 1, 2008, has been consolidated into this rule to promote efficiency. Additionally, W. Va. Code §21-1B-3 authorizes the Labor Commissioner, or his or her designated representative, to access information maintained by any other State agency (including the Tax Department) for the limited purpose of confirming the validity of a worker's legal status or authorization to work.

4.4 Previously promulgated Legislative Rule 110-50E (Lottery), effective date June 1, 2011, has been consolidated into this rule to promote efficiency.

4.5 Previously promulgated Legislative Rule 110-50F (State Fire Marshal), effective date June 1, 2011, has been consolidated into this rule to promote efficiency and to facilitate the exchange of information between the State Tax Commissioner and the State Fire Marshal who are jointly responsible for administering and enforcing the provisions of W. Va. Code §47-25-1 *et seq.*, the Reduced Cigarette Ignition Propensity Standards and Fire Prevention Act ("the Act").

§110-50C-5. Publication.

5.1 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.