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2002 FEB 13 P 12: 05

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002

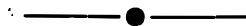


# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4010**

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)  
[By Request of the Executive]



Passed February 1, 2002

In Effect Ninety Days from Passage

FILED

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COMMITTEE SUBSTITUTE

FOR

## H. B. 4010

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)  
[BY REQUEST OF THE EXECUTIVE]

[Passed February 1, 2002; in effect ninety days from passage.]

AN ACT to amend article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a; and to amend article two, chapter thirty-one-a of said code by adding thereto a new section, designated section four-b, all relating generally to powers of the commissioner of banking and of the tax commissioner; and providing that each commissioner has discretion to employ staff attorneys, retain outside counsel or request attorney general to provide representation in any judicial or administrative proceeding or furnish any other legal services.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a; and that article two,

chapter thirty-one-a of said code be amended by adding thereto a new section, designated section four-b, all to read as follows:

**CHAPTER 11. TAXATION.**

**ARTICLE 1. SUPERVISION.**

**§11-1-1a. Provision of legal services.**

1 (a) The tax commissioner has plenary power and authority  
2 to acquire those legal services the commissioner deems  
3 necessary to carry out the functions and duties of the state tax  
4 division or the office of tax commissioner, including, but not  
5 limited to, representation of the tax division or the commis-  
6 sioner in any administrative or judicial proceeding.

7 (b) The commissioner may acquire legal services from  
8 attorneys licensed to practice law who are employed by the  
9 commissioner on a salary basis or retained by the commissioner  
10 on a reasonable fee basis.

11 (c) The commissioner may also request the assistance of the  
12 attorney general and be represented in an administrative or  
13 judicial proceeding by a deputy or assistant attorney general  
14 acceptable to the commissioner.

**CHAPTER 31A. BANKS AND BANKING.**

**ARTICLE 2. DIVISION OF BANKING.**

**§31A-2-4b. Provision of legal services.**

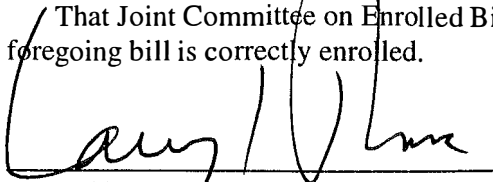
1 (a) The commissioner of banking has plenary power and  
2 authority to acquire those legal services the commissioner  
3 deems necessary to carry out the functions and duties of the  
4 division of banking or the office of commissioner of banking,  
5 including, but not limited to, representation of the division or  
6 the commissioner in any administrative or judicial proceeding.

7 (b) The commissioner may acquire legal services from  
8 attorneys licensed to practice law who are employed by the  
9 commissioner on a salary basis or retained by the commissioner  
10 on a reasonable fee basis.

11 (c) The commissioner may also request the assistance of the  
12 attorney general and be represented in an administrative or  
13 judicial proceeding by a deputy or assistant attorney general  
14 acceptable to the commissioner.

Enr. Com. Sub. for H. B. 4010 | 4

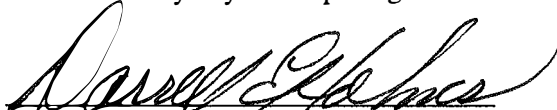
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

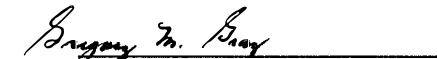
  
\_\_\_\_\_  
Chairman Senate Committee

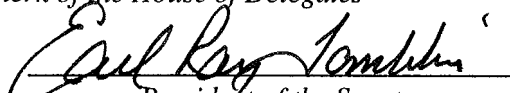
  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 13<sup>th</sup>  
day of February, 2002.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/7/02

Time 8:58 AM