

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2733

(By Delegates Craig, Morgan, Campbell, Amores and Stalnaker)



Passed March 7, 2003

In Effect July 1, 2003

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FOR

H. B. 2733

(BY DELEGATES CRAIG, MORGAN,
CAMPBELL, AMORES AND STALNAKER)

[Passed March 7, 2003; in effect July 1, 2003.]

AN ACT to amend and reenact section two-a, article nine, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to criminal investigation and special audits divisions of state tax division; and increasing amount of unencumbered funds in special revenue account for those divisions that is not transferred to general fund at end of fiscal year.

Be it enacted by the Legislature of West Virginia:

That section two-a, article nine, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9. CRIMES AND PENALTIES.

§11-9-2a. Criminal investigation division established; funding of same.

1 (a) *Criminal investigation division.* — A criminal investiga-
2 tion division consisting of no more than twelve investigators, of
3 which one investigator shall serve as division director, plus
4 necessary support staff, all of whom are exempt from the
5 classified service, is hereby established in the state tax division
6 for the purpose of assuring compliance with laws and rules
7 pertaining to the taxes, fees or credits administered under article
8 ten of this chapter, including, but not limited to, the provisions
9 of articles twenty, twenty-one and twenty-three, chapter
10 forty-seven of this code, but not including income taxes,
11 imposed on individuals by article twenty-one of this chapter.

12 (b) *Special audits division.* — A special audits division
13 consisting of no more than eight tax examiners, plus necessary
14 support staff, all of whom are covered by the classified service,
15 is hereby established in the auditing section of the state tax
16 division for purposes of assuring compliance with laws and
17 rules pertaining to taxes, fees or credits administered under
18 article ten of this chapter, including, but not limited to, the
19 provisions of articles twenty, twenty-one and twenty-three,
20 chapter forty-seven of this code, but not including income taxes
21 imposed on individuals by article twenty-one of this chapter.

22 (c) The Legislature hereby finds that the enforcement of the
23 laws and rules pertaining to the taxes, fees or credits adminis-
24 tered under article ten of this chapter, as are applicable to
25 persons whose residence or principal place of business is
26 outside of the state of West Virginia, requires greater efforts
27 and investigation than required for resident persons subject
28 thereto, and does further find that there is a greater rate of
29 noncompliance with said laws and rules by nonresident persons.
30 Therefore, the criminal investigation division and the special
31 audits division created in subsections (a) and (b) of this section

32 are hereby directed to expend a significant amount of their
33 efforts to ensure compliance with the laws and rules pertaining
34 to taxes, fees or credits administered under article ten of this
35 chapter in accordance with the authority provided in this
36 section, by persons whose residence or principal place of
37 business is located outside the state of West Virginia.

38 (d) *Deposits of certain fees.* — Charitable bingo fees
39 imposed by article twenty, chapter forty-seven of this code;
40 charitable raffle fees imposed by article twenty-one of said
41 chapter; and charitable raffle boards and games fees imposed by
42 article twenty-three of said chapter in an amount not to exceed
43 the amount appropriated by the Legislature in any fiscal year
44 shall be deposited in a special revenue account established in
45 the office of the treasurer. The special revenue account shall be
46 used to support compliance expenditures relating to the
47 establishment, operation, maintenance and support of the
48 criminal investigation division established in subsection (a) of
49 this section and the special audits division established in
50 subsection (b) of this section. The expenditures may include,
51 but shall not be limited to, employee compensation, equipment,
52 office supplies and travel expenses. On the last day of each
53 fiscal year, unencumbered funds in the special revenue account
54 in excess of one hundred fifty thousand dollars shall be trans-
55 ferred to the general revenue fund.

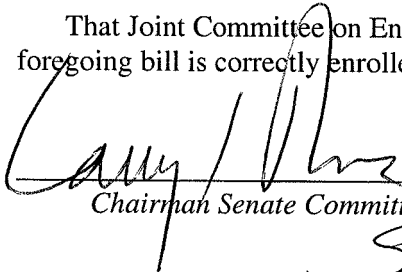
56 (e) *Investigators.* — Investigators employed in the criminal
57 investigation division shall have a background in accounting or
58 law enforcement or related fields pursuant to article twenty-
59 nine, chapter thirty of this code, or its equivalent. Any investi-
60 gator designated by the tax commissioner shall have all the
61 lawful powers delegated to members of the division of public
62 safety except the power to carry firearms and shall have the
63 authority to enforce the provisions of this article and the
64 criminal provisions of any other article of this code to which
65 this article applies, in any county or municipality of this state.

66 The tax commissioner shall establish additional standards as he
67 or she considers applicable or necessary. Any employee shall,
68 before entering upon the discharge of his or her duties, execute
69 a bond with security in the sum of three thousand five hundred
70 dollars, payable to the state of West Virginia, conditioned for
71 the faithful performance of the employee's duties and the bond
72 shall be approved as to form by the attorney general and shall
73 be filed with the secretary of state for preservation in that
74 office. The division of public safety, any county sheriff or
75 deputy sheriff and any municipal police officer upon request by
76 the tax commissioner is hereby authorized to assist the tax
77 commissioner in enforcing the provisions of this article and any
78 criminal penalty provision of any article of this code to which
79 this article applies.

80 (f) *Class A license plates.* — Notwithstanding the provi-
81 sions of article three, chapter seventeen-a of this code, upon
82 application by the tax commissioner and payment of fees, the
83 commissioner of motor vehicles shall issue a maximum of
84 twenty Class A license plates to be used on state owned or
85 leased vehicles assigned to investigators employed in the
86 criminal investigation division.

87 (g) *Reports.* — On the first day of July of each year,
88 beginning in the year one thousand nine hundred ninety-four,
89 the tax commissioner shall present a written report to the joint
90 committee on government operations on the division's compli-
91 ance with the provisions of this section, including, but not
92 limited to, activities of the divisions created by this section and
93 disbursement of funding.

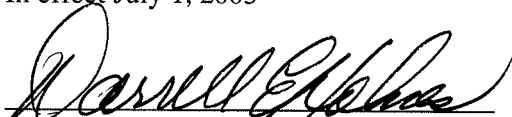
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

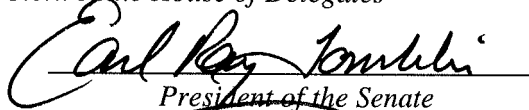

Chairman House Committee

Originating in the House.

In effect July 1, 2003

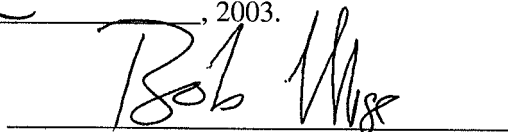

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 13th
day of March, 2003.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 9:07 am