

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 419

**FISCAL
NOTE**

By Senator Deeds

[Introduced on January 15, 2026; referred

to the Committee on Finance]

1 A BILL to amend and reenact §11-9-2a of the Code of West Virginia, 1931, as amended, relating to
2 removing the cap on the number of investigators for the criminal investigation division of
3 the State Tax Department; and removing the cap on the number of examiners by the
4 special audits division in the State Tax Department.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. CRIMES AND PENALTIES.

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

1 (a) *Criminal investigation division.* -- A criminal investigation division consisting of ~~no more~~
2 ~~than twelve investigators, of which one investigator~~ investigators, one of whom shall serve as
3 division director, plus necessary support staff, all of whom are exempt from the classified service,
4 is hereby established in the state Tax Division for the purpose of assuring compliance with laws
5 and rules pertaining to the taxes, fees or credits administered under article ten of this chapter,
6 including, but not limited to, the provisions of §47-20-1 *et seq.*, §47-21-1 *et seq.*, and §47-23-1 *et*
7 *seq.*, of this code, but not including income taxes, imposed on individuals by §11-21-1 *et seq.* of
8 this code.

9 (b) *Special audits division.* -- A special audits division consisting of ~~no more than eight~~ tax
10 examiners, plus necessary support staff, all of whom are covered by the classified service, is
11 hereby established in the auditing section of the state Tax Division for purposes of assuring
12 compliance with laws and rules pertaining to taxes, fees or credits administered under §11-10-1 *et*
13 *seq.* of this code, including, but not limited to, the provisions of §47-20-1 *et seq.*, §47-21-1 *et seq.*,
14 and §47-23-1 *et seq.*, of this code, but not including income taxes imposed on individuals by the
15 provisions of §11-21-1 *et seq.* of this code.

16 (c) The Legislature hereby finds that the enforcement of the laws and rules pertaining to
17 the taxes, fees or credits administered under §11-10-1 *et seq.* of this code, as are applicable to
18 persons whose residence or principal place of business is outside of the State of West Virginia,
19 requires greater efforts and investigation than required for resident persons subject thereto, and

20 does further find that there is a greater rate of noncompliance with said laws and rules by
21 nonresident persons. Therefore, the criminal investigation division and the special audits division
22 created in subsections (a) and (b) of this section are hereby directed to expend a significant
23 amount of their efforts to ensure compliance with the laws and rules pertaining to taxes, fees or
24 credits administered under §11-10-1 *et seq.* of this code in accordance with the authority provided
25 in this section, by persons whose residence or principal place of business is located outside the
26 State of West Virginia.

27 (d) *Deposits of certain fees.* -- Charitable bingo fees imposed by §47-20-1 *et seq.* of this
28 code; charitable raffle fees imposed by §47-21-1 *et seq.* of this code; online charitable raffle fees
29 imposed by §47-21A-1 *et seq.* of this code; and charitable raffle boards and games fees imposed
30 by §47-23-1 *et seq.* of this code in an amount not to exceed the amount appropriated by the
31 Legislature in any fiscal year shall be deposited in a special revenue account established in the
32 Office of the Treasurer. The special revenue account shall be used to support compliance
33 expenditures relating to the establishment, operation, maintenance and support of the criminal
34 investigation division established in subsection (a) of this section and the special audits division
35 established in subsection (b) of this section. The expenditures may include, but shall not be limited
36 to, employee compensation, equipment, office supplies and travel expenses. On the last day of
37 each fiscal year, unencumbered funds in the special revenue account in excess of \$150,000 shall
38 be transferred to the General Revenue Fund.

39 (e) *Investigators.* -- Investigators employed in the criminal investigation division shall have
40 a background in accounting or law enforcement or related fields pursuant to §30-29-1 *et seq.* of
41 this code, or its equivalent. Any investigator designated by the Tax Commissioner shall have all the
42 lawful powers delegated to members of the division of public safety except the power to carry
43 firearms and shall have the authority to enforce the provisions of this article and the criminal
44 provisions of any other article of this code to which this article applies, in any county or municipality
45 of this state. The Tax Commissioner shall establish additional standards as he or she considers

46 applicable or necessary. Any employee shall, before entering upon the discharge of his or her
47 duties, execute a bond with security in the sum of \$3,500, payable to the State of West Virginia,
48 conditioned for the faithful performance of the employee's duties and the bond shall be approved
49 as to form by the Attorney General and shall be filed with the Secretary of State for preservation in
50 that office. The division of public safety, any county sheriff or deputy sheriff and any municipal
51 police officer upon request by the Tax Commissioner is hereby authorized to assist the Tax
52 Commissioner in enforcing the provisions of this article and any criminal penalty provision of any
53 article of this code to which this article applies.

54 (f) *Class A license plates.* -- Notwithstanding the provisions of §17A-3-1 *et seq.* of this
55 code, upon application by the Tax Commissioner and payment of fees, the Commissioner of Motor
56 Vehicles shall issue a maximum of twenty Class A license plates to be used on state owned or
57 leased vehicles assigned to investigators employed in the criminal investigation division.

58 (g) *Reports.* -- On July 1, of each year, beginning in 1994, the Tax Commissioner shall
59 present a written report to the joint committee on government operations on the division's
60 compliance with the provisions of this section, including, but not limited to, activities of the divisions
61 created by this section and disbursement of funding.

NOTE: The purpose of this bill is to remove the cap on the number of investigators for the criminal investigation division of the state Tax Department, and to remove the cap on the number of examiners by the special audits division in the state Tax Department.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.