WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

HOUSE BILL No. 1938

(By Mr. [Signature])

Passed March 13, 1982

In Effect [Signature]
ENROLLED

H. B. 1938

(By Mr. Speaker, Mr. See)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to workmen’s compensation benefits; permitting the commissioner of workmen’s compensation to have access to certain tax and employment security information; penalty for wrongful disclosure of the information obtained; costs of compilation and production; exemption from the freedom of information act.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. EMPLOYERS AND EMPLOYEES SUBJECT TO CHAPTER; EXTRATERRITORIAL COVERAGE.

§23-2-2. Commissioner to be furnished information by employers, state tax commissioner and commissioner of the department of employment security; secrecy of information; examination of employers, etc.; violation a misdemeanor.

(a) Every employer shall furnish the commissioner, upon request, all information required by him to carry out the purposes of this chapter. The commissioner, or any person employed by the commissioner for that purpose, shall have the
right to examine under oath any employer or officer, agent
or employee of any employer.

(b) Notwithstanding the provisions of any other statute,
specifically, but not exclusively, section five, article ten, chap-
ter eleven of this code, and section eleven, article ten, chapter
twenty-one-a of this code the commissioner of workmen's
compensation may receive the following information:

(1) Upon written request to the state tax commissioner;
the names, addresses and other identifying information of all
businesses filing state business and occupational tax returns
and/or receiving a business franchise registration certificate.

(2) Upon written application to the commissioner of the
department of employment security; the names, addresses and
other identifying information of all employing units filing re-
ports and information pursuant to section eleven, article ten,
chapter twenty-one-a of this code as well as information con-
tained in those reports regarding the number of employees
employed and the gross quarterly wages paid by each em-
ploying unit.

(c) All information acquired by the workmen's compen-
sation commissioner pursuant to section (b) of this article shall
be used only for auditing premium payments. Any officer or
employee of this state who uses the aforementioned information
in any manner other than the one stated herein, or who shall
divulge or make known in any manner any of the afore-
mentioned information shall be guilty of a misdemeanor, and,
upon conviction thereof, shall be fined not more than one
thousand dollars or imprisoned for not more than one year,
or both, together with cost of prosecution.

(d) Reasonable costs of compilation and production of any
information made available pursuant to section (b) of this
article shall be charged to the workmen's compensation com-
missioner.

(e) Information acquired by the workmen's compensation
commissioner pursuant to section (b) of this article shall not
be subject to disclosure under the provisions of chapter twenty-
nine-b of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bayliss  
Chairman Senate Committee

Tony E. Whittow  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jed C. Miles  
Clerk of the Senate

O. Blankenship  
Clerk of the House of Delegates

Waine R. McEwan  
President of the Senate

W. Lee Sandlin  
Speaker House of Delegates

The within is approved this the 30th day of March, 1982.

[Signature]
Governor