

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

HOUSE BILL No. 1938

(By Mr. Speake, Mr. See)

— ● —

Passed March 13, 1982

In Effect Ninety days from Passage



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.

- 1 (a) Every employer shall furnish the commissioner, upon
- 2 request, all information required by him to carry out the pur-
- 3 poses of this chapter. The commissioner, or any person em-
- 4 ployed by the commissioner for that purpose, shall have the

5 right to examine under oath any employer or officer, agent
6 or employee of any employer.

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

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

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

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

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

38 (e) Information acquired by the workmen's compensation
39 commissioner pursuant to section (b) of this article shall not
40 be subject to disclosure under the provisions of chapter twenty-
41 nine-b of this code.

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

R. P. Bayla

Chairman Senate Committee

Gony E. Whittow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jedd C. Mills

Clerk of the Senate

W. Blankenship

Clerk of the House of Delegates

Waverly P. McNew

President of the Senate

Wm. H. Lee, Jr.

Speaker House of Delegates

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

James R. Blythe

Governor

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SECOY. OF STATE