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2007 APR -4 AM 11:20

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2007



**ENROLLED**

**House Bill No. 2991**

(By Delegates White, Boggs, Yost, Reynolds, Perdue, Doyle, Tucker,  
Marshall, Manchin, Anderson and Border)



Passed March 10, 2007

In Effect from Passage

ENROLLED

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**H. B. 2991** OFFICE WEST VIRGINIA  
SECRETARY OF STATE

(BY DELEGATES WHITE, BOGGS, YOST, REYNOLDS, PERDUE,  
DOYLE, TUCKER, MARSHALL, MANCHIN, ANDERSON  
AND BORDER)

[Passed March 10, 2007; in effect from passage.]

AN ACT to amend and reenact §11-1-1 of the Code of West Virginia, 1931, as amended, relating to the State Tax Division in the Department of Revenue; and authorizing the tax commissioner to conduct criminal background checks for prospective employees.

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

That §11-1-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

**ARTICLE 1. SUPERVISION.**

**§11-1-1. Office of tax commissioner continued and designated the state tax division; appointment, term, oath and bond of commissioner; powers and duties generally; sections of division; assistant tax commissioner; authorization of criminal background checks conducted by tax commissioner for prospective employees; assistant attorneys general to assist commissioner.**

1 (a) The office of the tax commissioner is continued in all  
2 respects as previously constituted in the state government,  
3 but is hereby designated as the state tax division of the  
4 department of revenue.

5  
6 (b) The tax commissioner is the chief executive officer of  
7 the state tax division and shall be appointed by the governor,  
8 by and with the advice and consent of the Senate, to serve at  
9 the will and pleasure of the governor for the term for which  
10 the governor was elected and until a successor has been  
11 appointed and has qualified.

12  
13 (c) The tax commissioner, before entering upon the duties  
14 of office, shall take the oath or affirmation prescribed by  
15 section 5, article IV of the constitution. The tax  
16 commissioner shall give bond with good security, to be  
17 approved by the governor, in the penalty of fifteen thousand  
18 dollars. The tax commissioner shall be repaid his or her  
19 actual disbursements for traveling expenses. The tax  
20 commissioner shall be provided with an office in the capitol  
21 and with furniture, office equipment and any necessary  
22 clerical assistance.

23 (d) The tax commissioner has control and supervision of  
24 the state tax division and is responsible for the work of each  
25 of its sections or other subunits. Each section or bureau shall  
26 be headed by a director appointed by the tax commissioner  
27 and who is responsible to the tax commissioner for the work  
28 of his or her section or bureau. The tax commissioner may  
29 create any sections or bureaus and employ any necessary  
30 staff or employees to administer the state tax laws for which  
31 the tax commissioner or tax division is responsible, within  
32 the amount of expenditures appropriated for operation of the  
33 tax division by the Legislature. The tax commissioner has  
34 authority to appoint an assistant tax commissioner who shall  
35 be his or her principal assistant. The powers and duties vested  
36 in the tax commissioner by this chapter and any other  
37 provisions of law may be delegated by the tax commissioner  
38 to the assistant or other employees, but the tax commissioner  
39 is responsible for all official acts of his or her delegates.

40           (e) In order to assist in determining if an applicant for  
41 employment in the state tax division is suitable for such  
42 employment, the commissioner is authorized to conduct a  
43 criminal records check through the criminal identification  
44 bureau of the West Virginia state police and a national  
45 criminal history check through the federal bureau of  
46 investigation. The result of any criminal records or criminal  
47 history check shall be sent to the commissioner. The  
48 commissioner and any other employees of the state tax  
49 division shall not disclose information obtained pursuant to  
50 this subsection except for purposes directly related to the  
51 employment of the application by the tax division.

52           (f) The tax commissioner, if he or she considers the  
53 action necessary, may request the attorney general to appoint  
54 assistant attorneys general who shall perform duties as  
55 required by the tax commissioner. The attorney general, in  
56 pursuance of the request, may select and appoint assistant  
57 attorneys general, with the consent of the tax commissioner,  
58 to serve during the will and pleasure of the attorney general,  
59 and the assistants shall be paid out of any funds made  
60 available for that purpose by the Legislature to the state tax  
61 division.


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

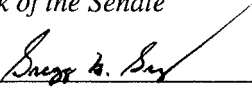
  
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Chairman Senate Committee

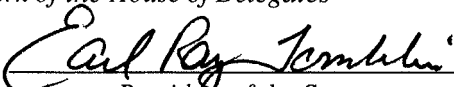
  
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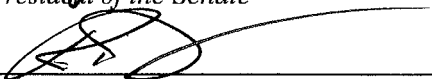
Originating in the House.

In effect from passage.

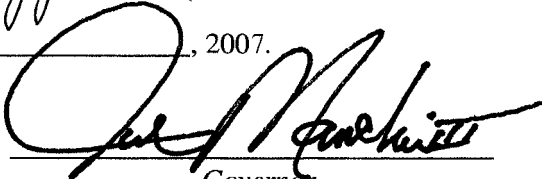
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

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

The within is approved this the 2nd  
day of April, 2007.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2007

Time

4:00 pm