

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 270**

4 (By Senator Snyder)

5 _____
6 [Originating in the Committee on the Judiciary;
7 reported March 27, 2013.]
8 _____
9

10 A BILL to amend and reenact article 7, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the Department of
13 Revenue; legislative mandate or authorization for the
14 promulgation of certain legislative rules by various executive
15 or administrative agencies of the state; authorizing certain
16 of the agencies to promulgate certain legislative rules with
17 various modifications presented to and recommended by the
18 Legislative Rule-Making Review Committee; authorizing certain
19 of the agencies to promulgate certain legislative rules with
20 various modifications presented to and recommended by the
21 Legislative Rule-Making Review Committee and as amended by the
22 Legislature; authorizing certain of the agencies to promulgate
23 certain legislative rules in the form that the rules were
24 filed in the State Register; authorizing the Insurance
25 Commissioner to promulgate a legislative rule relating to
26 provider-sponsored networks; authorizing the Athletic

1 Commission to promulgate a legislative rule relating to mixed
2 martial arts; authorizing the Racing Commission to promulgate
3 a legislative rule relating to thoroughbred racing;
4 authorizing the Racing Commission to promulgate a legislative
5 rule relating to greyhound racing; authorizing the Racing
6 Commission to promulgate a legislative rule relating to pari-
7 mutuel wagering; authorizing the Lottery Commission to
8 promulgate a legislative rule relating to state lottery rules;
9 and authorizing the State Tax Department to promulgate a
10 legislative rule relating to the valuation of commercial and
11 industrial real and personal property for ad valorem property
12 tax purposes.

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

14 That article 7, chapter 64 of the Code of West Virginia, 1931,
15 as amended, be amended and reenacted to read as follows:

16 **ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE**
17 **LEGISLATIVE RULES.**

18 **§64-7-1. Insurance Commissioner.**

19 The legislative rule filed in the State Register on August 31,
20 2012, authorized under the authority of section five, article
21 twenty-five-g, chapter thirty-three, of this code, modified by the
22 Insurance Commissioner to meet the objections of the Legislative
23 Rule-Making Review Committee and refiled in the State Register on
24 October 18, 2012, relating to the Insurance Commissioner (provider
25 sponsored networks, 114 CSR 43A), is authorized with the following
26 amendments:

1 On page one, subsection 2.1., by striking out "ths" and
2 inserting in lieu thereof the word "this";

3 And,

4 On page two, paragraph 4.3.b.1., after the words "financial
5 statements" by adding the words "that reflect positive net worth".

6 **§64-7-2. Athletic Commission.**

7 The legislative rule filed in the State Register on August 27,
8 2012, authorized under the authority of section three-a, article
9 five-a, chapter twenty-nine, of this code, modified by the Athletic
10 Commission to meet the objections of the Legislative Rule-Making
11 Review Committee and refiled in the State Register on October 18,
12 2012, relating to the Athletic Commission (mixed martial arts, 177
13 CSR 2), is authorized.

14 **§64-7-3. Racing Commission.**

15 (a) The legislative rule filed in the State Register on August
16 27, 2012, authorized under the authority of section six, article
17 twenty-three, chapter nineteen, of this code, modified by the
18 Racing Commission to meet the objections of the Legislative Rule-
19 Making Review Committee and refiled in the State Register on
20 December 4, 2012, relating to the Racing Commission (thoroughbred
21 racing, 178 CSR 1), is authorized with the following amendment:

22 On page thirty-seven, subdivision 24.1.i, by striking out the
23 word "sixteen (16)" and inserting in lieu thereof the word
24 "eighteen (18)".

25 (b) The legislative rule filed in the State Register on August
26 27, 2012, authorized under the authority of section six, article

1 twenty-three, chapter nineteen, of this code, relating to the
2 Racing Commission (greyhound racing, 178 CSR 2), is authorized.

3 (c) The legislative rule filed in the State Register on August
4 27, 2012, authorized under the authority of section six, article
5 twenty-three, chapter nineteen, of this code, relating to the
6 Racing Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

7 **§64-7-4. Lottery Commission.**

8 The legislative rule filed in the State Register on August 10,
9 2012, authorized under the authority of section five, article
10 twenty-two, chapter twenty-nine, of this code, modified by the
11 Lottery Commission to meet the objections of the Legislative Rule-
12 Making Review Committee and refiled in the State Register on
13 December 20, 2012, relating to the Lottery Commission (state
14 lottery rules, 179 CSR 1), is authorized.

15 **§64-7-5. State Tax Department.**

16 The legislative rule filed in the State Register on August 30,
17 2012, authorized under the authority of section five, article one-
18 c, chapter eleven, of this code, modified by the State Tax
19 Department to meet the objections of the Legislative Rule-Making
20 Review Committee and refiled in the State Register on December 6,
21 2012, relating to the State Tax Department (valuation of commercial
22 and industrial real and personal property for ad valorem property
23 tax purposes, 110 CSR 1P), is authorized.