

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 187**

5 (SENATOR SNYDER, *original sponsor*)

6 \_\_\_\_\_  
7 [Passed February 28, 2015; in effect from passage.]  
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9

10 AN ACT to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as  
11 amended, relating generally to the promulgation of administrative rules by the Department  
12 of Revenue; legislative mandate or authorization for the promulgation of certain legislative  
13 rules by various executive or administrative agencies of the state; authorizing certain of the  
14 agencies to promulgate certain legislative rules as amended by the Legislature; authorizing  
15 certain of the agencies to promulgate certain legislative rules in the form that the rules were  
16 filed in the State Register; authorizing certain of the agencies to promulgate certain  
17 legislative rules with various modifications presented to and recommended by the Legislative  
18 Rule-Making Review Committee; authorizing Racing Commission to promulgate a  
19 legislative rule relating to thoroughbred racing; authorizing State Tax Department to  
20 promulgate a legislative rule relating to appointment of special assessors by State Tax  
21 Commissioner; authorizing Insurance Commissioner to promulgate a legislative rule relating  
22 to recognizing annuity mortality tables for use in determining reserve liabilities for annuities;

1 authorizing Insurance Commissioner to promulgate a legislative rule relating to annuity  
2 disclosure; authorizing Alcohol Beverage Control Commission to promulgate a legislative  
3 rule relating to nonintoxicating beer licensing and operations procedures; and authorizing  
4 Alcohol Beverage Control Commission to promulgate a legislative rule relating to private  
5 club licensing.

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

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

9 **ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO**  
10 **PROMULGATE LEGISLATIVE RULES.**

11 **§64-7-1. Racing Commission.**

12 The legislative rule filed in the State Register on July 29, 2014, authorized under the  
13 authority of section two, article twenty-three, chapter nineteen of this code, relating to the Racing  
14 Commission (thoroughbred racing, 178 CSR 1), is authorized.

15 **§64-7-2. State Tax Department.**

16 The legislative rule filed in the State Register on July 31, 2014, authorized under the  
17 authority of section one, article three, chapter eleven of this code, modified by the State Tax  
18 Department to meet the objections of the Legislative Rule-Making Review Committee and refiled  
19 in the State Register on September 26, 2014, relating to the State Tax Department (appointment of  
20 special assessors by the State Tax Commissioner, 110 CSR 1Q), is authorized with the following  
21 amendments:

22 On page one, subsection 3.1., after the word “For” by striking the word “all” and inserting

1 in lieu thereof the word “each;”;

2 And,

3 On page one, subsection 3.1., after the words “the Tax Commissioner shall” by striking the  
4 remainder of the sentence and inserting in lieu thereof the following, “notify, on or before the first  
5 day of the following tax year, the assessor and the county commission for the county from which the  
6 assessor is elected of that failure in writing, and instruct the assessor to make all necessary  
7 corrections;”.

8 **§64-7-3. Insurance Commissioner.**

9 (a) The legislative rule filed in the State Register on August 1, 2014, authorized under the  
10 authority of section ten, article two, chapter thirty-three of this code, relating to the Insurance  
11 Commissioner (recognizing annuity mortality tables for use in determining reserve liabilities for  
12 annuities, 114 CSR 45), is authorized with the following amendment:

13 On page two, subsection 3.7., by striking out the word “Generation” and inserting in lieu  
14 thereof the word “Generational”.

15 (b) The legislative rule filed in the State Register on August 1, 2014, authorized under the  
16 authority of section ten, article two, chapter thirty-three of this code, modified by the Insurance  
17 Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled  
18 in the State Register on September 15, 2014, relating to the Insurance Commissioner (annuity  
19 disclosure, 114 CSR 11E), is authorized.

20 **§64-7-4. Alcohol Beverage Control Commission.**

21 (a) The legislative rule filed in the State Register on August 1, 2014, authorized under the  
22 authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the Alcohol

1 Beverage Control Commission to meet the objections of the Legislative Rule-Making Review  
2 Committee and refiled in the State Register on November 6, 2014, relating to the Alcohol Beverage  
3 Control Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), is  
4 authorized with the amendments set forth below:

5       On page 3, subsection 2.18., by striking out the following: "Any container or jug not made  
6 of glass, ceramic or metal may be submitted to the Commissioner for review and approval or denial  
7 on a case-by-case basis.";

8       On page 8, paragraph 3.6.a.2., by striking out the words "the agents or employees" and  
9 inserting in lieu thereof "the agents, employees or members";

10       And,

11       On page 24, subdivision 13.2.a, by striking out the following: "A franchise agreement as  
12 defined in subsection 2.15., is the agreement, that binds a brewer and a distributor so that an  
13 appointed distributor may distribute all of the brewer's nonintoxicating beer products, brands or  
14 family of brands, including line extensions, imported and offered for sale in West Virginia,  
15 including, but not limited to: existing brands, new brands and line extensions in the brewer's  
16 approved franchise distributor network and to a distributor's assigned territory."

17       (b) The legislative rule filed in the State Register on August 1, 2014, authorized under the  
18 authority of section ten, article seven, chapter sixty of this code, modified by the Alcohol Beverage  
19 Control Commission to meet the objections of the Legislative Rule-Making Review Committee and  
20 refiled in the State Register on October 29, 2014, relating to the Alcohol Beverage Control  
21 Commission (private club licensing, 175 CSR 2), is authorized.