

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 187**

4 (By Senator Snyder)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported February 4, 2015.]
8 _____
9

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

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

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

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

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

10 **§64-7-1. Racing Commission.**

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

14 **§64-7-2. State Tax Department.**

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

21 On page one, subsection 3.1., after the word “For” by striking the word “all” and inserting
22 in lieu thereof the word “each;”;

1 And,

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

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

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

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

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

19 **§64-7-4. Alcohol Beverage Control Commission.**

20 (a) The legislative rule filed in the State Register on August 1, 2014, authorized under the
21 authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the Alcohol
22 Beverage Control Commission to meet the objections of the Legislative Rule-Making Review

1 Committee and refiled in the State Register on November 6, 2014, relating to the Alcohol Beverage
2 Control Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), is
3 authorized.

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