

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 50

BY SENATOR WOODRUM

[Passed March 8, 2024; in effect from passage]

1 AN ACT to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Revenue to
3 promulgate legislative rules; authorizing the rules as filed, as modified, and as modified
4 and amended by the Legislative Rule-Making Review Committee, and as amended by the
5 Legislature; directing certain agencies of the Department of Revenue to amend current
6 legislative rules; directing the Alcohol Beverage Control Commissioner to amend a
7 legislative rule relating to private club licensing; directing the Alcohol Beverage Control
8 Commissioner to amend a legislative rule relating to nonintoxicating beer licensing and
9 operations procedures; authorizing the West Virginia Insurance Commissioner to
10 promulgate a legislative rule relating to AIDS regulation; authorizing the West Virginia
11 Insurance Commissioner to promulgate a legislative rule relating to health benefit plan
12 network access and adequacy; authorizing the West Virginia Insurance Commissioner to
13 promulgate a legislative rule relating to bail bondsmen in criminal cases; authorizing the
14 West Virginia Racing Commission to promulgate a legislative rule relating to thoroughbred
15 racing; authorizing the West Virginia Tax Department to promulgate a legislative rule
16 relating to aircraft operated under a fractional ownership program; authorizing the West
17 Virginia Tax Department to promulgate a legislative rule relating to a citizen tax credit for
18 property taxes paid; authorizing the West Virginia Tax Department to promulgate a
19 legislative rule relating to income tax paid at the entity level by electing pass-through
20 entities; authorizing the West Virginia Tax Department to promulgate a legislative rule
21 relating to income tax credits for property taxes paid; authorizing the West Virginia Tax
22 Department to promulgate a legislative rule relating to administration of the tax on
23 purchases of wine and liquor inside and outside of municipalities; and authorizing the West
24 Virginia Tax Department to promulgate a legislative rule relating to the privilege tax on
25 sales of hemp-derived cannabinoid and kratom products.

Be it enacted by the Legislature of West Virginia:

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

§64-7-1. Alcohol Beverage Control Commissioner.

1 The Legislature directs the Alcohol Beverage Control Commissioner to amend the
2 legislative rule filed in the State Register on July 1, 2022, authorized under the authority of §60-
3 2-16 of this code, relating to the Alcohol Beverage Control (private club licensing, 175 CSR 02),
4 with the amendments set forth below:

5 On page 1, section 1, subsection 1.5, by striking the word “2032” and inserting in lieu
6 thereof the word “2029”.

7 On page 6, striking out the entirety of subdivision 2.22.3. and inserting, in lieu thereof, a
8 new subdivision 2.22.3. to read as follows:

9 “2.22.3. Maintains a fresh food inventory capable of being prepared in the private club
10 restaurant’s full kitchen.”

11 On page 7, by striking out the entirety of subdivision 2.23.3. and inserting, in lieu thereof,
12 a new subdivision 2.23.3. to read as follows:

13 “2.23.3. Have one or more members operating who maintain a fresh food inventory
14 capable of being prepared for events conducted at the private farmers market in the private club
15 restaurant’s full kitchen.”

16 On page 11, by striking out the entirety of subdivision 2.28.4 and inserting, in lieu thereof,
17 the following:

18 “Maintains a fresh food inventory capable of being prepared in the private manufacturer
19 club’s full kitchen.”

20 On page 30, section 4, by striking out all of subsections 4.8 and 4.9 and inserting in lieu
21 thereof a new subsection 4.8, to read as follows:

22 “4.8. Hours of operation. - The licensed premises of all private clubs shall be closed for
23 operation and cleared of all members and guests 30 minutes after the hours of sale of alcoholic
24 liquors and nonintoxicating beer have expired, except for: (i) a private resort hotel holding a
25 license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell, tender, or dispense
26 nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises when also licensed
27 under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or W. Va. Code §29-
28 25-1 *et seq.*; (ii) members and guests staying at a private resort hotel, but the members and
29 guests must clear any bar and restaurant areas 30 minutes after the hours of sale of alcoholic
30 liquors and nonintoxicating beer have expired; and (iii) members and guests staying at a private
31 hotel, but the members and guests must clear any bar and restaurant areas 30 minutes after the
32 hours of sale of alcoholic liquors and nonintoxicating beer have expired. Employees of the
33 licensee shall leave the licensed premises no later than one hour after the premises are closed
34 for operation. Licensed premises shall not be occupied by members and guests any sooner than
35 30 minutes prior to the hours of sale of alcoholic liquors and nonintoxicating beer, except for: (i)
36 a private resort hotel holding a license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell,
37 tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises
38 when also licensed under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or
39 W. Va. Code §29-25-1 *et seq.*; (ii) members and guests staying at a private resort hotel where
40 the members and guests may not enter any bar and restaurant areas until 30 minutes before the
41 hours of sale of alcoholic liquors and nonintoxicating beer; and (iii) members and guests staying
42 at a private hotel where the members and guests may not enter any bar and restaurant areas
43 until 30 minutes before the hours of sale of alcoholic liquors and nonintoxicating beer. Employees
44 may not enter any bar and restaurant serving areas until one hour before the hours of sale of
45 alcoholic liquors and nonintoxicating beer.”

46 And,

47 By renumbering the remaining subsections.

§64-7-2. Alcohol Beverage Control Commissioner - Beer.

1 The Legislature directs the Alcohol Beverage Control Commissioner - Beer to amend the
2 legislative rule filed in the State Register on July 1, 2022, authorized under the authority of §60-
3 2-16 of this code, relating to the Alcohol Beverage Control - Beer (nonintoxicating beer licensing
4 and operations procedures, 176 CSR 01), with the amendments set forth below:

5 On page 3, by adding a new subsection designated 2.18 to read as follows:

6 ““Delivery day” means any day that the distributor is open for business.”;

7 And,

8 By renumbering the remaining subsections;

9 And,

10 On page 33, by striking out all of paragraph 6.3.d.3. and inserting in lieu thereof a new
11 paragraph 6.3.d.3. to read as follows:

12 “6.3.d.3. A distributor or a resident brewer acting in a limited capacity as a distributor may
13 rotate, stock, merchandise, price, and presell nonintoxicating beer in a licensed nonintoxicating
14 beer retail establishment only on nonintoxicating beer or nonintoxicating craft beer delivery day.”

§64-7-3. West Virginia Insurance Commissioner.

1 (a) The legislative rule filed in the State Register on March 29, 2023, authorized under the
2 authority of §33-2-10 of this code, relating to the Insurance Commissioner (AIDS regulations, 114
3 CSR 27), is authorized.

4 (b) The legislative rule filed in the State Register on July 12, 2023, authorized under the
5 authority of §33-55-9 of this code, modified by the West Virginia Insurance Commissioner to meet
6 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
7 on September 14, 2023, relating to the West Virginia Insurance Commissioner (health benefit
8 plan network access and adequacy, 114 CSR 100), is authorized.

9 (c) The legislative rule filed in the State Register on July 11, 2023, authorized under the
10 authority of §51-10-8 of this code, modified by the West Virginia Insurance Commissioner to meet

11 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
12 on September 14, 2023, relating to the West Virginia Insurance Commissioner (bail bondsmen in
13 criminal cases, 114 CSR 103), is authorized with the amendments set forth below:

14 "On page 3, paragraph 3.2.1.h., following the words "felony crime", by striking out the
15 remainder of the paragraph and inserting a semi-colon.

16 And,

17 On page 6, after subsection 3.11., by adding a new subsection 3.12. to read as follows:

18 "3.12. Any person who has been convicted of a felony is not qualified to be licensed as a bail
19 bondsman and the Commissioner shall not license any such person. The Commissioner shall
20 revoke or not renew the license of a bail bondsman who is convicted of a felony, after licensure,
21 and shall not renew the license of a bail bondsman who was previously convicted of a felony, and
22 who was issued a license prior to the enactment of this subsection."

§64-7-4. West Virginia Racing Commission.

1 The legislative rule filed in the State Register on July 26, 2023, authorized under the
2 authority of §19-23-6 of this code, relating to the West Virginia Racing Commission (thoroughbred
3 racing, 178 CSR 01), is authorized with the amendment set forth below:

4 On page 67, subdivision 41.2.g., by striking out the words "Entry of a" and inserting in lieu
5 thereof the word: "A".

§64-7-5. West Virginia Tax Department.

1 (a) The legislative rule filed in the State Register on March 28, 2023, authorized under the
2 authority of §11-15-9p of this code, relating to the West Virginia Tax Department (aircraft operated
3 under a fractional ownership program, 110 CSR 15K), is authorized.

4 (b) The legislative rule filed in the State Register on December 30, 2022, authorized under
5 the authority of §29A-3-19 of this code, modified by the West Virginia Tax Department to meet
6 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register

7 on August 21, 2023, relating to the West Virginia Tax Department (citizen tax credit for property
8 taxes paid, 110 CSR 21B), is authorized.

9 (c) The legislative rule filed in the State Register on July 28, 2023, authorized under the
10 authority of §11-21-3a of this code, relating to the West Virginia Tax Department (income tax paid
11 at the entity level by electing pass-through entities, 110 CSR 21G), is authorized.

12 (d) The legislative rule filed in the State Register on July 25, 2023, authorized under the
13 authority of §11-13MM-6 of this code, relating to the West Virginia Tax Department (income tax
14 credits for property taxes paid, 110 CSR 21H), is authorized.

15 (e) The legislative rule filed in the State Register on December 30, 2022, authorized under
16 the authority of §60-3-9d of this code, modified by the West Virginia Tax Department to meet the
17 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
18 August 21, 2023, relating to the West Virginia Tax Department (administration of tax on purchases
19 of wine and liquor inside and outside of municipalities, 110 CSR 49), is authorized.

20 (f) The legislative rule filed in the State Register on July 25, 2023, authorized under the
21 authority of §19-12E-12 of this code, relating to the West Virginia Tax Department (privilege tax
22 on sales of hemp-derived cannabinoid and kratom products, 110 CSR 99), is authorized.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2024.

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Governor