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SB157

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157

(By Senator ROSS, ET AL)



PASSED April 20, 1997

In Effect From Passage

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SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 157

(SENATORS ROSS, ANDERSON, MACNAUGHTAN, BOLEY AND
BUCKALEW, *original sponsors*)

[Passed April 20, 1997; in effect from passage.]

AN ACT to repeal section four, article seven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two and three of said article, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to

promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; disapproving the promulgation of a legislative rule; authorizing the division of banking to promulgate a legislative rule relating to the West Virginia consumer credit and protection act and the money and interest article of chapter forty-seven; authorizing the division of banking to promulgate a legislative rule relating to the operations of state chartered financial institutions in West Virginia; authorizing the division of banking to promulgate a legislative rule relating to West Virginia regulated consumer lenders; authorizing the division of banking to promulgate a legislative rule relating to reverse mortgage loans; authorizing the insurance commissioner to promulgate a legislative rule relating to medicare supplement insurance; authorizing the insurance commissioner to promulgate a legislative rule relating to life and health reinsurance agreements; disapproving the promulgation of a legislative rule by the insurance commissioner relating to individual medical savings accounts; authorizing the insurance commissioner to promulgate a legislative rule relating to the valuation of life insurance policies; authorizing the insurance commissioner to promulgate a legislative rule relating to diabetes; authorizing the insurance commissioner to promulgate a legislative rule relating to emergency medical services; authorizing the insurance commissioner to promulgate a legislative rule relating to utilization management; authorizing the insurance commissioner to promulgate a legislative rule relating to the replacement of life insurance; authorizing the tax division to promulgate a legislative rule relating to the tax credit for qualified agricultural equipment; authorizing the tax division to promulgate a legislative rule relating to personal income tax low income exclusions; and authorizing the tax division to promulgate a legislative rule relating to charitable raffles.

Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter sixty-four of the code

of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two and three of said article be amended and reenacted, all to read as follows:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. Division of banking.

1 (a) The legislative rule filed in the state register on the
2 twenty-eighth day of August, one thousand nine hundred
3 ninety-six, authorized under the authority of section four,
4 article two, chapter thirty-one-a of this code, modified by
5 the division of banking to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the twenty-first day of February, one
8 thousand nine hundred ninety-seven, relating to the
9 division of banking (regulations pertaining to the West
10 Virginia consumer credit and protection act and the
11 money and interest article of chapter forty-seven, 106 CSR
12 1), is authorized.

13 (b) The legislative rule filed in the state register on the
14 twenty-eighth day of August, one thousand nine hundred
15 ninety-six, authorized under the authority of section four,
16 article two, chapter thirty-one-a of this code, modified by
17 the division of banking to meet the objections of the
18 legislative rule-making review committee and refiled in
19 the state register on the twentieth day of December, one
20 thousand nine hundred ninety-six, relating to the division
21 of banking (regulations governing the operations of state
22 chartered financial institutions in West Virginia, 106 CSR
23 3), is authorized.

24 (c) The legislative rule filed in the state register on the
25 twenty-eighth day of August, one thousand nine hundred
26 ninety-six, authorized under the authority of section four,
27 article two, chapter thirty-one-a of this code, modified by
28 the division of banking to meet the objections of the
29 legislative rule-making review committee and refiled in
30 the state register on the twentieth day of December, one
31 thousand nine hundred ninety-six, relating to the division
32 of banking (West Virginia regulated consumer lenders, 106
33 CSR 4), is authorized.

34 (d) The legislative rule filed in the state register on the
35 twenty-eighth day of August, one thousand nine hundred
36 ninety-six, authorized under the authority of section eight,
37 article twenty-four, chapter forty-seven of this code,
38 modified by the division of banking to meet the objections
39 of the legislative rule-making review committee and
40 refiled in the state register on the twentieth day of Decem-
41 ber, one thousand nine hundred ninety-six, relating to the
42 division of banking (reverse mortgage loans, 106 CSR 19),
43 is authorized.

**§64-7-2. Department of tax and revenue; tax division; and
state tax commissioner.**

1 (a) The legislative rule filed in the state register on the
2 twenty-third day of July, one thousand nine hundred
3 ninety-six, authorized under the authority of section five,
4 article thirteen-j, chapter eleven of this code, modified by
5 the tax division to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the thirty-first day of October, one thousand
8 nine hundred ninety-six, relating to the tax division (tax
9 credit for qualified agricultural equipment, 110 CSR 13J),
10 is authorized.

11 (b) The legislative rule filed in the state register on the
12 sixteenth day of August, one thousand nine hundred
13 ninety-six, authorized under the authority of section fifty-
14 one, article twenty-one, chapter eleven of this code,
15 modified by the tax division to meet the objections of the
16 legislative rule-making review committee and refiled in
17 the state register on the thirty-first day of October, one
18 thousand nine hundred ninety-six, relating to the tax
19 division (personal income tax low income exclusions, 110
20 CSR 21.1), is authorized.

21 (c) The legislative rule filed in the state register on the
22 sixteenth day of August, one thousand nine hundred
23 ninety-six, authorized under the authority of section
24 twenty-one, article twenty-one, chapter forty-seven of this
25 code, modified by the tax division to meet the objections
26 of the legislative rule-making review committee and
27 refiled in the state register on the twenty-seventh day of

28 February, one thousand nine hundred ninety-seven,
29 relating to the tax division (charitable raffles, 110 CSR
30 37), is authorized.

§64-7-3. Insurance commissioner.

1 (a) The legislative rule filed in the state register on the
2 second day of July, one thousand nine hundred ninety-six,
3 authorized under the authority of section ten, article two,
4 chapter thirty-three of this code, modified by the insur-
5 ance commissioner to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the twentieth day of February, one thousand
8 nine hundred ninety-seven, relating to the insurance
9 commissioner (medicare supplement insurance, 114 CSR
10 24), is authorized.

11 (b) The legislative rule filed in the state register on the
12 twentieth day of August, one thousand nine hundred
13 ninety-six, authorized under the authority of section
14 fifteen, article four, chapter thirty-three of this code,
15 modified by the insurance commissioner to meet the
16 objections of the legislative rule-making review committee
17 and refiled in the state register on the thirtieth day of
18 January, one thousand nine hundred ninety-seven, relat-
19 ing to the insurance commissioner (life and health reinsur-
20 ance agreements, 114 CSR 48), is authorized.

21 (c) The legislative rule filed in the state register on the
22 twenty-ninth day of August, one thousand nine hundred
23 ninety-six, authorized under the authority of section
24 twenty, article fifteen, chapter thirty-three of this code,
25 modified by the insurance commissioner to meet the
26 objections of the legislative rule-making review committee
27 and refiled in the state register on the thirty-first day of
28 January, one thousand nine hundred ninety-seven, relat-
29 ing to the insurance commissioner (individual medical
30 savings accounts, 114 CSR 47), is disapproved and is not
31 authorized for promulgation.

32 (d) The legislative rule filed in the state register on the
33 twentieth day of August, one thousand nine hundred
34 ninety-six, authorized under the authority of section ten,
35 article two, chapter thirty-three of this code, modified by

36 the insurance commissioner to meet the objections of the
37 legislative rule-making review committee and refiled in
38 the state register on the eighteenth day of February, one
39 thousand nine hundred ninety-seven, relating to the
40 insurance commissioner (valuation of life insurance
41 policies, 114 CSR 49), is authorized, with the following
42 amendment:

43 "On page one, section 1.4 of the rule, by following the
44 words 'effective date' inserting the following:

45 "The portions of the rule amended as a result of modifi-
46 cations offered by the Insurance Commissioner and filed
47 with the Secretary of State on August 20, 1996, shall not
48 become effective until January 1, 1998."

49 (e) The legislative rule filed in the state register on the
50 twenty-ninth day of August, one thousand nine hundred
51 ninety-six, authorized under the authority of section one,
52 article fifteen-c, chapter thirty-three of this code, modi-
53 fied by the insurance commissioner to meet the objections
54 of the legislative rule-making review committee and
55 refiled in the state register on the twentieth day of Febru-
56 ary, one thousand nine hundred ninety-seven, relating to
57 the insurance commissioner (diabetes, 114 CSR 52), is
58 authorized.

59 (f) The legislative rule filed in the state register on the
60 twenty-ninth day of August, one thousand nine hundred
61 ninety-six, authorized under the authority of section
62 twenty-three, article four-c, chapter sixteen of this code,
63 modified by the insurance commissioner to meet the
64 objections of the legislative rule-making review committee
65 and refiled in the state register on the eighteenth day of
66 February, one thousand nine hundred ninety-seven,
67 relating to the insurance commissioner (emergency
68 medical services, 114 CSR 50), is authorized.

69 (g) The legislative rule filed in the state register on the
70 twenty-ninth day of August, one thousand nine hundred
71 ninety-six, authorized under the authority of section ten,
72 article two, chapter thirty-three of this code, modified by
73 the insurance commissioner to meet the objections of the
74 legislative rule-making review committee and refiled in

75 the state register on the eighteenth day of February, one
76 thousand nine hundred ninety-seven, relating to the
77 insurance commissioner (utilization management, 114
78 CSR 51), is authorized.

79 (h) The legislative rule filed in the state register on the
80 twenty-ninth day of August, one thousand nine hundred
81 ninety-six, authorized under the authority of section ten,
82 article two, chapter thirty-three of this code, modified by
83 the insurance commissioner to meet the objections of the
84 legislative rule-making review committee and refiled in
85 the state register on the eighteenth day of February, one
86 thousand nine hundred ninety-seven, relating to the
87 insurance commissioner (replacement of life insurance,
88 114 CSR 8), is authorized.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *is approved* this the *7th*
May day of, 1997.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/28/97

Time 2:30 pm