

HB2267 CC 4-12  
90 days  
Roskovensky 3338

Delegate Hornby, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Committee Substitute House Bill No. 2267**, Authorizing Department of Revenue to Promulgate Legislative Rules

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2267 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses that the Senate and the House agree as follows:

On page 2, section 1, after line 3, by adding the following:

On page 13, paragraph 2.30.9, after the words “(iv) canned or packaged food valued at least” by deleting “\$100” and inserting in lieu thereof “\$50”.

And,

On page 24, by striking out all of paragraph 3.2.1.a., and inserting in lieu thereof a new paragraph 3.2.1.a. to read as follows:

3.2.1.a. That is located on any college campus, state university campus, or branch thereof, unless it is located in an on-campus structure listed on the National Register of Historic Places located within a designated National Historic Landmark District or such private club type is located upon the premises of a National Collegiate Athletic Association, or its successor, approved Division I, II, or III sports stadium used for revenue generating sports by a college or university on its campus and no classes are held at the sports stadium or at a private college sports stadium.

And,

On page 34, subparagraph 3.4.7.c by striking out “2.22.5” and inserting in lieu thereof “2.25.5”.

And,

On page 37, subsection 3.4.12.e, line six, following the words “commissioner’s requirements” and the period, by inserting a new sentence to read as follows: “Furthermore, where a municipality has authorized sidewalk dining areas by ordinance, a qualified permit holder has obtained a sidewalk dining permit from the municipality and the Commissioner, and additionally the municipality has authorized by ordinance that a qualified permit holder in the PODA may provide for the lawful sale, service, and tendering of alcohol (such alcohol as authorized for sale by the licensee’s license) from an approved sidewalk dining area in approved PODA cups to patrons, and the qualified permit holder has added the sidewalk dining area or areas as a part of its WVABCA floorplan comprising its licensed premises, then such qualified permit holder may conduct such lawful sales, service, and tendering of alcohol (such alcohol as authorized for sale by the licensee’s license) from the sidewalk dining area or areas without the dining requirement for such to-go alcoholic beverage sales.”

And.

On page 39, paragraph 4.2.3, after the word “A” by inserting the word “valid”.

And,

On page 39, paragraph 4.2.3 by deleting the word “card”.

And,

On page 39, paragraph 4.2.4, after the word “A” by inserting the word “valid”.

And,

On page 39, paragraph 4.5.5 by striking out the word “The” and inserting in lieu thereof the words “In each public restroom the”.

And,

On page 48, subparagraph 5.1.1.h by striking out the words “in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating

beer, wine, or alcoholic liquors to any person;” and inserting in lieu thereof the words “in any capacity that includes, even incidentally, the selling, furnishing, tendering, serving, or giving of nonintoxicating beer, wine, or alcoholic liquors to any person;”.

Respectfully submitted,

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Chair,

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Chair,

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