

SB 0131

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SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 131

(By Senator MAUCHIN, ET AL)



PASSED MARCH 11, 1995  
In Effect FROM Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 131**

(SENATORS MANCHIN, ANDERSON, BOLEY,  
GRUBB AND MACNAUGHTAN, *original sponsors*)

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[Passed March 11, 1995; in effect from passage.]

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AN ACT to amend and reenact article seven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; the 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; authorizing the alcohol beverage control

commissioner to promulgate legislative rules relating to nonintoxicating beer, as modified; authorizing the division of banking to promulgate legislative rules relating to the legal lending limit, as modified; authorizing the division of banking to promulgate legislative rules relating to the notice and treatment of joint accounts; authorizing the division of tax to promulgate legislative rules relating to the business investment and jobs expansion tax credit, the corporation headquarters relocation tax credit and the small business tax credit, as modified; authorizing the division of tax to promulgate legislative rules relating to the exchange of information agreement between the tax division and the division of environmental protection, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to individual accident and sickness insurance minimum standards, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to the regulation of credit life insurance and credit accident and sickness insurance, as modified; and authorizing the insurance commissioner to promulgate legislative rules relating to credit for reinsurance, as modified.

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

That article seven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one as amended, be amended and reenacted to read as follows:

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

**§64-7-1. Alcohol beverage control commissioner.**

1 The legislative rules filed in the state register on the  
2 fifteenth day of August, one thousand nine hundred  
3 ninety-four, modified by the alcohol beverage control  
4 commissioner to meet the objections of the legislative  
5 rule-making review committee and refiled in the state  
6 register on the twelfth day of January, one thousand nine  
7 hundred ninety-five, relating to the alcohol beverage  
8 control commissioner (nonintoxicating beer, 176 CSR 1),  
9 are authorized, with the amendments set forth below:

10 "On page twenty-four, by adding the following:

11 7.1.3. By advertisements in newspapers, advertising  
12 circular and similar publications that nonintoxicating  
13 beer is for sale on the licensed premises.";

14 "On page twenty-five, by striking subsection 7.3.4.";

15 By renumbering the remaining subdivisions;

16 And,

17 On page thirty-one, by adding a new subsection,  
18 denoted as subsection 13.2.1.3 to read as follows:

19 In the event a brewer withdraws his products from  
20 the state and subsequently reintroduces his products to  
21 the state at a later date, that brewer or his successor  
22 shall offer the territorial franchise for those products to  
23 such distributors who had a franchise agreement with  
24 the brewer in effect at the time of the original with-  
25 drawal of the brewer's products."

**§64-7-2. Division of banking.**

1 (a) The legislative rules filed in the state register on the  
2 twelfth day of August, one thousand nine hundred  
3 ninety-four, modified by the division of banking to meet  
4 the objections of the legislative rule-making review  
5 committee and refiled in the state register on the second  
6 day of November, one thousand nine hundred ninety-  
7 four, relating to the division of banking (legal lending  
8 limit, 106 CSR 9), are authorized.

9 (b) The legislative rules filed in the state register on the  
10 twelfth day of August, one thousand nine hundred  
11 ninety-four, relating to the division of banking (notice  
12 and treatment of joint accounts, 106 CSR 17), are autho-  
13 rized.

**§64-7-3. Department of tax and revenue; division of tax; and  
state tax commissioner.**

1 (a) The legislative rules filed in the state register on the  
2 twelfth day of August, one thousand nine hundred

3 ninety-four, modified by the division of tax to meet the  
4 objections of the legislative rule-making review commit-  
5 tee and refiled in the state register on the sixth day of  
6 January, one thousand nine hundred ninety-five, relating  
7 to the division of tax (business investment and jobs  
8 expansion tax credit, corporation headquarters reloca-  
9 tion tax credit, small business tax credit, 110 CSR 13C),  
10 are authorized.

11 (b) The legislative rules filed in the state register on the  
12 twelfth day of August, one thousand nine hundred  
13 ninety-four, modified by the division of tax to meet the  
14 objections of the legislative rule-making review commit-  
15 tee and refiled in the state register on the sixth day of  
16 January, one thousand nine hundred ninety-five, relating  
17 to the division of tax (exchange of information agree-  
18 ment between tax division and division of environmental  
19 protection, 110 CSR 6B), are authorized.

**§64-7-4. Insurance commissioner.**

1 (a) The legislative rules filed in the state register on the  
2 seventeenth day of August, one thousand nine hundred  
3 ninety-three, modified by the insurance commissioner to  
4 meet the objections of the legislative rule-making review  
5 committee and refiled in the state register on the seven-  
6 teenth day of June, one thousand nine hundred ninety-  
7 four, relating to the insurance commissioner (individual  
8 accident and sickness insurance minimum standards, 114  
9 CSR 12), are authorized.

10 (b) The legislative rules filed in the state register on the  
11 fifteenth day of August, one thousand nine hundred  
12 ninety-four, modified by the insurance commissioner to  
13 meet the objections of the legislative rule-making review  
14 committee and refiled in the state register on the  
15 twenty-eighth day of November, one thousand nine  
16 hundred ninety-four, relating to the insurance commis-  
17 sioner (regulation of credit life insurance and credit  
18 accident and sickness insurance, 114 CSR 6), are autho-  
19 rized.

20 (c) The legislative rules filed in the state register on the  
21 twelfth day of August, one thousand nine hundred  
22 ninety-four, modified by the insurance commissioner to  
23 meet the objections of the legislative rule-making review  
24 committee and refiled in the state register on the  
25 twenty-third day of November, one thousand nine  
26 hundred ninety-four, relating to the insurance commis-  
27 sioner (credit for reinsurance, 114 CSR 40), are autho-  
28 rized.

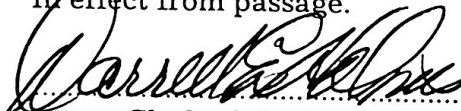
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

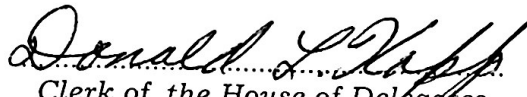
  
Chairman Senate Committee

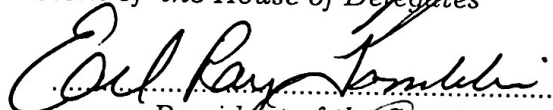
  
Chairman House Committee

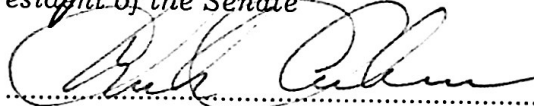
Originated in the Senate.

In effect from passage.

  
Clerk of the Senate

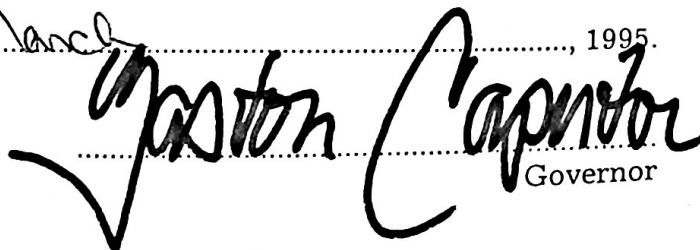
  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within is approved this the 23<sup>rd</sup>

day of March, 1995.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/95

Time 4:45pm