WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

Committee Substitute for
SENATE BILL NO. 131

(By Senator MANCHIN, ET AL)

PASSED March 11, 1995

In Effect From Passage
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 reinsur-

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:
“On page twenty-four, by adding the following:
7.1.3. By advertisements in newspapers, advertising circular and similar publications that nonintoxicating beer is for sale on the licensed premises.”;
“On page twenty-five, by striking subsection 7.3.4.”;
By renumbering the remaining subdivisions;
And,
On page thirty-one, by adding a new subsection, denoted as subsection 13.2.1.3 to read as follows:
In the event a brewer withdrawals his products from the state and subsequently reintroduces his products to the state at a later date, that brewer or his successor shall offer the territorial franchise for those products to such distributors who had a franchise agreement with the brewer in effect at the time of the original withdrawal of the brewer’s products.”
§64-7-2. Division of banking.
(a) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of banking to meet the objections of the legislative rule-making review committee and refiled in the state register on the second day of November, one thousand nine hundred ninety-four, relating to the division of banking (legal lending limit, 106 CSR 9), are authorized.
(b) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, relating to the division of banking (notice and treatment of joint accounts, 106 CSR 17), are authorized.
§64-7-3. Department of tax and revenue; division of tax; and state tax commissioner.
(a) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred
ninetynine, modified by the division of tax to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixth day of January, one thousand nine hundred ninety-five, relating to the division of tax (business investment and jobs expansion tax credit, corporation headquarters relocation tax credit, small business tax credit, 110 CSR 13C), are authorized.

(b) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of tax to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixth day of January, one thousand nine hundred ninety-five, relating to the division of tax (exchange of information agreement between tax division and division of environmental protection, 110 CSR 6B), are authorized.

§64-7-4. Insurance commissioner.

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

(b) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the insurance commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of November, one thousand nine hundred ninety-four, relating to the insurance commissioner (regulation of credit life insurance and credit accident and sickness insurance, 114 CSR 6), are authorized.
(c) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the insurance commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the insurance commissioner (credit for reinsurance, 114 CSR 40), are authorized.
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 approved this the 23rd day of March, 1995.

Governor