WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

Committee Substitute for
SENATE BILL NO. 171

(By Senator Ross, et al)

PASSED March 7, 1996

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; and to further amend said article by adding thereto a new section, designated section four; 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; 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 permissible additional charges in connection with a consumer credit sale, as modified; authorizing the division of banking to promulgate legislative rules relating to the West Virginia industrial bank and industrial loan company act, as modified; authorizing the division of banking to promulgate legislative rules relating to the West Virginia consumer credit and protection act and the industrial bank and industrial loan company act, as modified; authorizing the tax division to promulgate legislative rules relating to the international fuel tax agreement, as modified; authorizing the tax division to promulgate legislative rules relating to bingo, as modified; authorizing the tax division to promulgate legislative rules relating to the tax credit for employing former members of the Colin Anderson center, as modified; authorizing the tax division to promulgate legislative rules relating to pollution control facilities, as modified; authorizing the tax division to promulgate legislative rules relating to the business and occupation tax, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to actuarial opinions and memoranda, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to examiners’ compensation, qualifications and classification, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to excess line brokers, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to continuing education for insurance agents, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to recognizing mortality tables for use in
determining reserve liability for annuities, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to substandard risk motor vehicle insurance notice requirements, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to minimum reserve standards for individual and group health insurance contracts, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to filing procedures for health maintenance organizations, as modified; authorizing the insurance commissioner to promulgate legislative rules relating to health maintenance organizations, as modified; authorizing the lottery commission to promulgate legislative rules relating to licensees and the Americans with disabilities act, as modified; and authorizing the lottery commission to promulgate legislative rules relating to the state lottery, 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; and that said article be further amended by adding thereto a new section, designated section four, 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 rules filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-five, authorized under the authority of section twenty-six, article four, chapter thirty-one-a of this code, 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 first day of December, one thousand nine hundred ninety-five, relating to the division of banking (legal lending limit, 106CSR9), are authorized.
(b) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section four, article two, chapter thirty-one-a of this code, 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 first day of December, one thousand nine hundred ninety-five, relating to the division of banking (permissible additional charges in connection with a consumer credit sale, 106CSR11), are authorized.

(c) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section twenty-six, article seven, chapter thirty-one of this code, 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 first day of December, one thousand nine hundred ninety-five, relating to the division of banking (West Virginia industrial bank and industrial loan company act, 106CSR5), are authorized.

(d) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section four, article two, chapter thirty-one-a of this code, 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 first day of December, one thousand nine hundred ninety-five, relating to the division of banking (West Virginia consumer credit and protection act, 106CSR4), are authorized.

(e) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section twenty-six, article seven, chapter thirty-one of this code, modified by the division of banking to meet the objec-
tions of the legislative rule-making review committee
and refiled in the state register on the first day of
December, one thousand nine hundred ninety-five,
relating to the division of banking (West Virginia con-
sumer credit and protection act and the industrial bank
and industrial loan company act, 106CSR2), are autho-
ized.

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

(a) The legislative rules filed in the state register on the
twenty-eighth day of July, one thousand nine hundred
ninety-five, authorized under the authority of section
twelve, article fourteen-b, chapter eleven of this code,
modified by the tax division to meet the objections of the
legislative rule-making review committee and refiled in
the state register on the twenty-second day of Septem-
ber, one thousand nine hundred ninety-five, relating to
the tax division (international fuel tax agreement,
110CSR14B), are authorized.

(b) The legislative rules filed in the state register on the
twenty-eighth day of July, one thousand nine hundred
ninety-five, authorized under the authority of section
twenty-three, article twenty, chapter forty-seven of this
code, modified by the tax division to meet the objections
of the legislative rule-making review committee and
refiled in the state register on the twenty-fourth day of
January, one thousand nine hundred ninety-six, relating to
the tax division (bingo, 110CSR16), are authorized
with the amendments set forth below:

“On page seven, subdivision 3.1.9, by striking out the
word ‘are’ and inserting in lieu thereof the word ‘is’;

On page nineteen, subsection 11.1, by striking out the
words ‘limited occasion licenses’ and inserting in lieu
thereof the words ‘limited occasion licensees’;

On page twenty-three, subdivision 16.1.4, by striking
out the words ‘these regulations’ and inserting in lieu
thereof the words ‘this rule’;
And,

On page twenty-five, subsection 18.1, by striking out the words 'these regulations' and inserting in lieu thereof the words 'this rule'.

(c) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section three, article thirteen-i, chapter eleven of this code, modified by the tax division to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of September, one thousand nine hundred ninety-five, relating to the tax division (tax credit for employing former members of Colin Anderson center, 110CSR13I), are authorized.

(d) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section four, article six-a, chapter eleven of this code, modified by the tax division to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of September, one thousand nine hundred ninety-five, relating to the tax division (pollution control facilities, 110CSR6), are authorized.

(e) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section five, article ten, chapter eleven of this code, modified by the tax division to meet the objections of the legislative rule-making review committee and refiled in the state register on the first day of December, one thousand nine hundred ninety-five, relating to the tax division (business and occupation tax, 110CSR13), are authorized.

§64-7-3. Insurance commissioner.

(a) The legislative rules filed in the state register on the twenty-seventh day of July, one thousand nine hundred
ninetynine, authorized under the authority of section three, chapter thirty-three of this code, 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-seventh day of November, one thousand ninety-five, relating to the insurance commissioner (actuarial opinion and memorandum rule, 114CSR41), are authorized.

(b) The legislative rules filed in the state register on the twenty-seventh day of July, one thousand ninety-five, authorized under the authority of section ten, article two, chapter thirty-three of this code, 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-seventh day of November, one thousand ninety-five, relating to the insurance commissioner (examiners' compensation, qualifications and classification, 114CSR15), are authorized.

(c) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand ninety-five, authorized under the authority of section eleven, article twelve, chapter thirty-three of this code, 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-seventh day of November, one thousand ninety-five, relating to the insurance commissioner (excess line brokers, 114CSR20), are authorized.

(d) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand ninety-five, authorized under the authority of section ten, article two, chapter thirty-three of this code, 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-seventh day of November, one thousand ninety-five, relating to the insurance commissioner (actuarial opinion and memorandum rule, 114CSR41), are authorized.
(e) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section nine, article seven, chapter thirty-three of this code, 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-seventh day of November, one thousand nine hundred ninety-five, relating to the insurance commissioner (recognizing mortality tables for use in determining reserve liability for annuities, 114CSR45), are authorized.

(f) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section thirty-one-c, article six, chapter thirty-three of this code, 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-seventh day of November, one thousand nine hundred ninety-five, relating to the insurance commissioner (substandard risk motor vehicle insurance notice requirements, 114CSR37), are authorized.

(g) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, authorized under the authority of section nine, article seven, chapter thirty-three of this code, 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-seventh day of November, one thousand nine hundred ninety-five, relating to the insurance commissioner (minimum reserve standards for individual and group health insurance contracts, 114CSR44), are authorized.

(h) The legislative rules filed in the state register on the
thirty-first day of July, one thousand nine hundred ninety-five, authorized under the authority of section twenty, article twenty-five-a, chapter thirty-three of this code, 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-seventh day of November, one thousand nine hundred ninety-five, relating to the insurance commissioner (filing procedures for health maintenance organizations, 114CSR46), are authorized.

(i) The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-five, authorized under the authority of section twenty, article twenty-five-a, chapter thirty-three of this code, 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-seventh day of November, one thousand nine hundred ninety-five, relating to the insurance commissioner (health maintenance organizations, 114CSR43), are authorized.

§64-7-4. Lottery commission.

(a) The legislative rules filed in the state register on the twenty-sixth day of May, one thousand nine hundred ninety-five, under the authority of section ten, article twenty-two, chapter twenty-nine of this code, modified by the lottery commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of June, one thousand nine hundred ninety-five, relating to the lottery commission (licensees and the Americans with disabilities act, 179CSR3), are authorized.

(b) The legislative rules filed in the state register on the twenty-fourth day of July, one thousand nine hundred ninety-five, under the authority of section five, article twenty-two, chapter twenty-nine of this code, modified by the lottery commission to meet the objections of the legislative rule-making review committee and refiled in
the state register on the fourteenth day of September, one thousand nine hundred ninety-five, relating to the lottery commission (state lottery rule, 179CSR1), 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 is approved this the 25th day of March, 1996.

Governor