WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

Committee Substitute for
SENATE BILL NO. S-7

(By Senator Lass, GT, et al.)

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PASSED April 12, 1997
In Effect From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 157

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

[Passed April 12, 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.

(a) The legislative rule filed in the state register on the twenty-eighth day of August, one thousand nine hundred ninety-six, 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 twenty-first day of February, one thousand nine hundred ninety-seven, relating to the division of banking (regulations pertaining to the West Virginia consumer credit and protection act and the money and interest article of chapter forty-seven, 106 CSR 1), is authorized.

(b) The legislative rule filed in the state register on the twenty-eighth day of August, one thousand nine hundred ninety-six, 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 twentieth day of December, one thousand nine hundred ninety-six, relating to the division of banking (regulations governing the operations of state chartered financial institutions in West Virginia, 106 CSR 3), is authorized.

(c) The legislative rule filed in the state register on the twenty-eighth day of August, one thousand nine hundred ninety-six, 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 twentieth day of December, one thousand nine hundred ninety-six, relating to the division of banking (West Virginia regulated consumer lenders, 106 CSR 4), is authorized.
(d) The legislative rule filed in the state register on the twenty-eighth day of August, one thousand nine hundred ninety-six, authorized under the authority of section eight, article twenty-four, chapter forty-seven 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 twentieth day of December, one thousand nine hundred ninety-six, relating to the division of banking (reverse mortgage loans, 106 CSR 19), is authorized.

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

(a) The legislative rule filed in the state register on the twenty-third day of July, one thousand nine hundred ninety-six, authorized under the authority of section five, article thirteen-j, 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 thirty-first day of October, one thousand nine hundred ninety-six, relating to the tax division (tax credit for qualified agricultural equipment, 110 CSR 13J), is authorized.

(b) The legislative rule filed in the state register on the sixteenth day of August, one thousand nine hundred ninety-six, authorized under the authority of section fifty-one, article twenty-one, 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 thirty-first day of October, one thousand nine hundred ninety-six, relating to the tax division (personal income tax low income exclusions, 110 CSR 21.1), is authorized.

(c) The legislative rule filed in the state register on the sixteenth day of August, one thousand nine hundred ninety-six, authorized under the authority of section twenty-one, article twenty-one, 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-seventh day of
February, one thousand nine hundred ninety-seven, relating to the tax division (charitable raffles, 110 CSR 37), is authorized.

§64-7-3. Insurance commissioner.

(a) The legislative rule filed in the state register on the second day of July, one thousand nine hundred ninety-six, 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 twentieth day of February, one thousand nine hundred ninety-seven, relating to the insurance commissioner (medicare supplement insurance, 114 CSR 24), is disapproved, and not authorized for promulgation.

(b) The legislative rule filed in the state register on the twentieth day of August, one thousand nine hundred ninety-six, authorized under the authority of section fifteen, article four, 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 thirtieth day of January, one thousand nine hundred ninety-seven, relating to the insurance commissioner (life and health reinsurance agreements, 114 CSR 48), is authorized.

(c) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, authorized under the authority of section twenty, article fifteen, 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 thirty-first day of January, one thousand nine hundred ninety-seven, relating to the insurance commissioner (individual medical savings accounts, 114 CSR 47), is authorized.

(d) The legislative rule filed in the state register on the twentieth day of August, one thousand nine hundred ninety-six, 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 eighteenth day of February, one thousand nine hundred ninety-seven, relating to the insurance commissioner (valuation of life insurance policies, 114 CSR 49), is authorized, with the following amendment:

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

'The portions of the rule amended as a result of modifications offered by the Insurance Commissioner and filed with the Secretary of State on August 20, 1996, shall not become effective until January 1, 1998.'"

(e) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, authorized under the authority of section one, article fifteen-c, 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 twentieth day of February, one thousand nine hundred ninety-seven, relating to the insurance commissioner (diabetes, 114 CSR 52), is authorized.

(f) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, authorized under the authority of section twenty-three, article four-c, chapter sixteen 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 eighteenth day of February, one thousand nine hundred ninety-seven, relating to the insurance commissioner (emergency medical services, 114 CSR 50), is authorized.

(g) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, 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 eighteenth day of February, one
thousand nine hundred ninety-seven, relating to the
insurance commissioner (utilization management, 114
CSR 51), is authorized.

(h) The legislative rule filed in the state register on the
twenty-ninth day of August, one thousand nine hundred
ninety-six, 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 eighteenth day of February, one
thousand nine hundred ninety-seven, relating to the
insurance commissioner (replacement of life insurance,
114 CSR 8), is authorized.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schrornos
Chairman Senate Committee

Nick Fantasca
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Gregory M. Eng
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Speaker House of Delegates

The within is dispensed with the 18th day of April, 1997.

Governor