

SB 232

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



## ENROLLED

*Committee Substitute for*

SENATE BILL NO. 232

(By Senator Ross, et al)



PASSED March 11, 2000

In Effect from Passage

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## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 232

(SENATORS ROSS, ANDERSON, MINARD, SNYDER,  
UNGER AND MINEAR, *original sponsors*)

[Passed March 11, 2000; 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; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or 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 certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing

certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing the alcohol beverage control commissioner to promulgate a legislative rule relating to retail licensee operations; authorizing the alcohol beverage control commissioner to promulgate a legislative rule relating to private club licensing; authorizing the insurance commissioner to promulgate a certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing the alcohol beverage control commissioner to promulgate a legislative rule relating to retail licensee operations; authorizing the alcohol beverage control commissioner to promulgate a legislative rule relating to private club licensing; 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 continuing education for insurance agents; authorizing the insurance commissioner to promulgate a legislative rule relating to quality assurance standards for prepaid limited health service organizations; authorizing the lottery commission to promulgate a legislative rule relating to the state lottery; authorizing the lottery commission to promulgate a legislative rule relating to limited gaming facilities; authorizing the racing commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the racing commission to promulgate a legislative rule relating to greyhound racing; and authorizing the racing

commission to promulgate a legislative rule relating to pari-mutual wagering.

*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 (a) The legislative rule filed in the state register on the  
2 sixth day of August, one thousand nine hundred  
3 ninety-nine, under the authority of section six, article  
4 three-a, chapter sixty of this code, modified by the alcohol  
5 beverage control commissioner to meet the objections of  
6 the legislative rule-making review committee and refiled  
7 in the state register on the ninth day of November, one  
8 thousand nine hundred ninety-nine, relating to the alcohol  
9 beverage control commissioner (retail licensee operations,  
10 175 CSR 1), is authorized.

11 (b) The legislative rule filed in the state register on the  
12 sixth day of August, one thousand nine hundred  
13 ninety-nine, under the authority of section ten, article  
14 seven, chapter sixty of this code, modified by the alcohol  
15 beverage control commissioner to meet the objections of  
16 the legislative rule-making review committee and refiled  
17 in the state register on the twenty-eighth day of December,  
18 one thousand nine hundred ninety-nine, relating to the  
19 alcohol beverage control commissioner (private club  
20 licensing, 175 CSR 2), is authorized, with the following  
21 amendments:

22 On page one, section 2.1, line one, following the word  
23 “beer”, and the comma, by inserting the words “including  
24 barley beer” followed by a comma;

25 On page one, section 2.1, line one, following the word  
26 "wine", by inserting a comma and the words "including  
27 barley wine" followed by a comma;

28 Beginning on page five, section 3.2.1.c, line two, by  
29 striking out the words "W.Va. Code §60-7-2(a), (1), (2)",  
30 and inserting in lieu thereof the words "W.Va. Code §60-7-  
31 2(a)(1) and W.Va. Code §60-7-2(a)(2)";

32 On page nine, section 3.4.2, beginning on line one,  
33 following the words "specified in", by striking out the  
34 words "W.Va. Code §60-8-6", and inserting in lieu thereof  
35 the words "W.Va. Code §60-7-6(a)";

36 On page twelve, section 4.11.5, line two, following the  
37 words "ten (10:00)", by striking out the words "p.m. cold",  
38 and inserting in lieu thereof the words "p.m. Cold";

39 And,

40 On page thirteen, section 4.14.3, line one, following the  
41 word "Commissioner" and the comma, by inserting the  
42 word "receive".

**§64-7-2. Insurance commissioner.**

1 (a) The legislative rule filed in the state register on the  
2 fourteenth day of May, one thousand nine hundred  
3 ninety-nine, authorized by section ten, article two, chapter  
4 thirty-three of this code, relating to the insurance commis-  
5 sioner (Medicare supplement insurance, 114 CSR 24), is  
6 authorized.

7 (b) The legislative rule filed in the state register on the  
8 twelfth day of July, one thousand nine hundred  
9 ninety-nine, authorized by section ten, article two, chapter  
10 thirty-three of this code, relating to the insurance commis-  
11 sioner (continuing education for insurance agents, 114  
12 CSR 42), is authorized.

13 (c) The legislative rule filed in the state register on the  
14 twelfth day of July, one thousand nine hundred  
15 ninety-nine, authorized by section ten, article two, chapter  
16 thirty-three of this code, relating to the insurance commis-  
17 sioner (quality assurance standards for prepaid limited  
18 health service organizations, 114 CSR 56), is authorized.

**§64-7-3. Lottery commission.**

1 (a) The legislative rule filed in the state register on the  
2 thirtieth day of July, one thousand nine hundred  
3 ninety-nine, under the authority of section five, article  
4 twenty-two, chapter twenty-nine of this code, modified by  
5 the lottery commission to meet the objections of the  
6 legislative rule-making review committee and refiled in  
7 the state register on the seventeenth day of December, one  
8 thousand nine hundred ninety-nine, relating to the lottery  
9 commission (state lottery rules, 179 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the  
11 sixth day of August, one thousand nine hundred  
12 ninety-nine, under the authority of section five, article  
13 twenty-five, chapter twenty-nine of this code, modified by  
14 the lottery commission to meet the objections of the  
15 legislative rule-making review committee and refiled in  
16 the state register on the seventeenth day of December, one  
17 thousand nine hundred ninety-nine, relating to the lottery  
18 commission (limited gaming facilities, 179 CSR 4), is  
19 authorized.

**§64-7-4. Racing commission.**

1 (a) The legislative rule filed in the state register on the  
2 fourth day of June, one thousand nine hundred  
3 ninety-nine, under the authority of section six, article  
4 twenty-three, chapter nineteen of this code, modified by  
5 the racing commission to meet the objections of the  
6 legislative rule-making review committee and refiled in  
7 the state register on the tenth day of August, one thousand

8 nine hundred ninety-nine, relating to the racing commis-  
9 sion (thoroughbred racing, 178 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the  
11 fourth day of June, one thousand nine hundred  
12 ninety-nine, under the authority of section six, article  
13 twenty-three, chapter nineteen of this code, modified by  
14 the racing commission to meet the objections of the  
15 legislative rule-making review committee and refiled in  
16 the state register on the sixth day of August, one thousand  
17 nine hundred ninety-nine, relating to the racing commis-  
18 sion (greyhound racing, 178 CSR 2), is authorized.

19 (c) The legislative rule filed in the state register on the  
20 fourth day of June, one thousand nine hundred  
21 ninety-nine, under the authority of section six, article  
22 twenty-three, chapter nineteen of this code, modified by  
23 the racing commission to meet the objections of the  
24 legislative rule-making review committee and refiled in  
25 the state register on the sixth day of August, one thousand  
26 nine hundred ninety-nine, relating to the racing commis-  
27 sion (pari-mutual wagering, 178 CSR 5), is authorized.

The 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 *2nd* ...  
Day of *April* ... 2000.

Governor



PRESENTED TO THE

GOVERNOR

Date 3/28/12

Time 3:05pm