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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 357

(By Senator Minard, et al)

PASSED April 9, 2005

In Effect from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 357

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND MINEAR, *original sponsors*)

[Passed April 9, 2005; in effect from passage.]

AN ACT to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, 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 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 Alcohol Beverage Control Commissioner to promulgate a legislative rule relating to retail liquor operations; authorizing Alcohol Beverage Control Commissioner to promulgate a legislative rule relating to private club licensing; authorizing Alcohol Beverage Control Commissioner to promulgate a legislative rule relating to bailment policies and procedures; authorizing Insurance Commission to promulgate a legislative rule relating to examiners and examinations; authorizing Insurance Commissioner to promulgate a legislative rule relating to surplus lines insurance; authorizing Insurance Commissioner to promulgate a legislative rule relating to cancellation and nonrenewal of automobile liability policies; authorizing Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers; authorizing Insurance Commissioner to promulgate a legislative rule relating to valuation of life insurance policies; authorizing Insurance Commissioner to promulgate a legislative rule relating to recognition of 2001 CSO Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits; authorizing Insurance Commissioner to promulgate a legislative rule relating to insurance fraud prevention; authorizing Insurance Commissioner to promulgate a legislative rule relating to small employer eligibility requirements; authorizing Racing Commission to promulgate legislative rule relating to thoroughbred racing; authorizing Tax Department to promulgate a legislative rule relating to consumers sales and service tax and use tax - executive orders and certain declarations and exemptions; authorizing Tax Department to promulgate a legislative rule relating to valuation of active and reserve coal for ad valorem property tax purposes; and authorizing Tax Department to promulgate a legislative rule relating to valuation of producing and reserve oil and gas for ad valorem property tax purposes.

Be it enacted by the Legislature of West Virginia:

That article 7, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF 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 twenty-seventh day of August, two thousand four, autho-
3 rized under the authority of section six, article three-a,
4 chapter sixty of this code relating to the Alcohol Beverage
5 Control Commissioner (retail liquor operations, 175 CSR
6 1) is authorized.

7 (b) The legislative rule filed in the State Register on the
8 twenty-seventh day of August, two thousand four, autho-
9 rized under the authority of section ten, article seven,
10 chapter sixty of this code relating to the Alcohol Beverage
11 Control Commissioner (private club licensing, 175 CSR 2)
12 is authorized, with the following amendment:

13 On page six, subdivision 3.1.6.a, the first line, after the
14 word "shall", by striking out the words "establish proce-
15 dures for conducting" and by inserting in lieu thereof the
16 word "conduct".

17 (c) The legislative rule filed in the State Register on the
18 twenty-seventh day of August, two thousand four, autho-
19 rized under the authority of section sixteen, article two,
20 chapter sixty of this code relating to the Alcohol Beverage
21 Control Commissioner (bailment policies and procedures,
22 175 CSR 6) is authorized.

§64-7-2. Insurance Commissioner.

1 (a) The legislative rule filed in the State Register on the
2 twenty-sixth day of August, two thousand four, under the
3 authority of section ten, article two, chapter thirty-three
4 of this code relating to the Insurance Commissioner
5 (examiners and examinations, 114 CSR 15) is authorized.

6 (b) The legislative rule filed in the State Register on the
7 twenty-sixth day of August, two thousand four, under the
8 authority of section ten, article two, chapter thirty-three
9 of this code relating to the Insurance Commissioner
10 (surplus lines insurance, 114 CSR 20) is authorized.

11 (c) The legislative rule filed in the State Register on the
12 twenty-sixth day of August, two thousand four, under the
13 authority of section ten, article two, chapter thirty-three
14 of this code relating to the Insurance Commissioner
15 (cancellation and nonrenewal of automobile liability
16 policies, 114 CSR 3) is authorized.

17 (d) The legislative rule filed in the State Register on the
18 twenty-sixth day of August, two thousand four, under the
19 authority of section ten, article two, chapter thirty-three
20 of this code relating to the Insurance Commissioner
21 (continuing education for individual insurance producers,
22 114 CSR 42) is authorized.

23 (e) The legislative rule filed in the State Register on the
24 twenty-sixth day of August, two thousand four, under the
25 authority of section ten, article two, chapter thirty-three
26 of this code relating to the Insurance Commissioner
27 (valuation of life insurance policies, 114 CSR 68) is
28 authorized.

29 (f) The legislative rule filed in the State Register on the
30 twenty-sixth day of August, two thousand four, under the
31 authority of section ten, article two, chapter thirty-three
32 of this code relating to the Insurance Commissioner
33 (recognition of the 2001 CSO Mortality Table for use in
34 determining minimum reserve liabilities and nonforfeiture
35 benefits, 114 CSR 69) is authorized, with the following
36 amendment:

37 On page one, subsection 1.1., by striking out “§§33-9-
38 7(d)(1)(C)(iii)” and by inserting in lieu thereof “§§33-7-
39 9(d)(1)(C)(iii)”;

40 On page two, subsection 3.1, by striking out the words
41 “January 1, 2006”, and by inserting in lieu thereof the
42 words “the effective date of this rule”;

43 On page two, subsection 3.1, by striking out “§§33-9-
44 7(d)(1)(C)(iii)” and by inserting in lieu thereof “§§33-7-
45 9(d)(1)(C)(iii)”;

46 On page two, subsection 3.2, by striking out “§§33-9-
47 7(d)(1)(C)(iii)” and inserting in lieu thereof “§§33-7-
48 9(d)(1)(C)(iii)”;

49 And,

50 On page four, subsection 6.1, by striking out the words
51 “January 1, 2006”, and by inserting in lieu thereof the
52 words “the effective date of this rule”.

53 (g) The legislative rule filed in the State Register on the
54 twenty-sixth day of August, two thousand four, under the
55 authority of section ten, article two, chapter thirty-three
56 of this code modified by the Insurance Commissioner to
57 meet the objections of the Legislative Rule-Making Review
58 Committee and refiled in the State Register on the twenti-
59 eth day of December, two thousand four, relating to the
60 Insurance Commissioner (insurance fraud prevention, 114
61 CSR 71) is authorized.

62 (h) The legislative rule filed in the State Register on the
63 twenty-seventh day of August, two thousand four, under
64 the authority of section ten, article two, chapter thirty-
65 three of this code modified by the Insurance Commissioner
66 to meet the objections of the Legislative Rule-Making
67 Review Committee and refiled in the State Register on the
68 twentieth day of December, two thousand four, relating to
69 the Insurance Commissioner (small employer eligibility
70 requirements, 114 CSR 73) is authorized.

§64-7-3. Racing Commission.

1 The legislative rule filed in the State Register on the
2 twenty-seventh day of August, two thousand four, under

3 the authority of section six, article twenty-three, chapter
4 nineteen of this code modified by the Racing Commission
5 to meet the objections of the Legislative Rule-Making
6 Review Committee and refiled in the State Register on the
7 twentieth day of December, two thousand four, relating to
8 the Racing Commission (thoroughbred racing, 178 CSR 1)
9 is authorized, with the following amendment:

10 On page twenty-eight, paragraph 39.41.3.a., by striking
11 out the word "entry" and inserting in lieu thereof the word
12 "start";

13 And,

14 On page twenty-eight, paragraph 39.41.3.b., by striking
15 out the word "entry" and inserting in lieu thereof the word
16 "start".

§64-7-4. Tax Commissioner.

1 (a) The legislative rule filed in the State Register on the
2 sixteenth day of August, two thousand four, under the
3 authority of section five, article ten, chapter eleven of this
4 code modified by the Tax Department to meet the objec-
5 tions of the Legislative Rule-Making Review Committee
6 and refiled in the State Register on the twenty-ninth day
7 of November, two thousand four, relating to the Tax
8 Department (Consumers Sales and Service Tax and Use
9 Tax - executive orders declaring emergency and exempting
10 from tax mobile homes and similar units and building
11 materials used and consumed in repair or replacement of
12 residences and businesses damaged in a disaster, 110 CSR
13 15I) is authorized.

14 (b) The legislative rule filed in the State Register on the
15 twenty-twenty-fifth day of August, two thousand four,
16 under the authority of section eleven, article one-a,
17 chapter eleven of this code modified by the Tax Depart-
18 ment to meet the objections of the Legislative Rule-
19 making Review Committee and refiled in the State Regis-
20 ter on the twenty-first day of December, two thousand

21 four, relating to the Tax Department (valuation of active
22 and reserve coal for ad valorem property tax purposes, 110
23 CSR 1I) is authorized.

24 (c) The legislative rule filed in the State Register on the
25 twenty-seventh day of July, two thousand four, under the
26 authority of section eleven, article one-a, chapter eleven of
27 this code and section five-a, article one-c, chapter eleven
28 of this code modified by the Tax Department to meet the
29 objections of the Legislative Rule-making Review Com-
30 mittee and refiled in the State Register on the twenty-
31 ninth day of November, two thousand four, relating to the
32 Tax Department (valuation of producing and reserve oil
33 and gas for ad valorem property tax purposes, 110 CSR 1J)
34 is authorized, with the following amendment:

35 On page ten, subsection 4.14., by striking out the word
36 “July” and inserting in lieu thereof the word “August”;

37 And,

38 On page ten, subsection 4.16., by striking out the entire
39 subsection and inserting in lieu thereof the following

40 **“4.16. Valuation of the Producer’s Personal Property at**
41 **Non-Producing or Shut-In Wells** - The valuation of the
42 producer’s personal property that is part of a non-produc-
43 ing or shut-in well’s appraisal will be assigned to the
44 producer at the same value applied to home use only
45 wells.”.

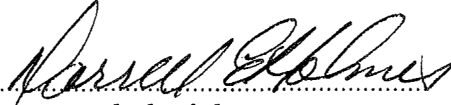
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

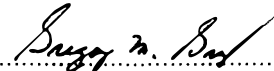

.....
Chairman Senate Committee



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Chairman House Committee


Originated in the Senate.

In effect from passage.

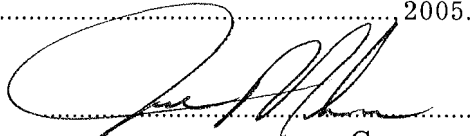

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 21st
Day of April 2005.


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Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time 4:50