

SB 270

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 270

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED APRIL 13, 2013; IN EFFECT FROM PASSAGE.]

WEST VIRGINIA
SECRETARY OF STATE

2013 MAY -2 PM 3:31

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Senate Bill No. 270

(SENATOR SNYDER, *original sponsor*)

[Passed April 13, 2013; in effect from passage.]

AN ACT to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Revenue; 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 with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; 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 certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing the Insurance Commissioner to promulgate a legislative rule relating to provider-sponsored networks; authorizing the Athletic Commission to promulgate a legislative rule relating to mixed martial arts; 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; authorizing the Racing Commission to promulgate a legislative

rule relating to pari-mutuel wagering; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the State Tax Department to promulgate a legislative rule relating to the valuation of commercial and industrial real and personal property 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. Insurance Commissioner.

1 The legislative rule filed in the State Register on August
2 31, 2012, authorized under the authority of section five,
3 article twenty-five-g, chapter thirty-three of this code,
4 modified by the Insurance Commissioner to meet the
5 objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on October 18,
7 2012, relating to the Insurance Commissioner (provider-
8 sponsored networks, 114 CSR 43A), is authorized with the
9 following amendments:

10 On page one, subsection 2.1., by striking out “ths” and
11 inserting in lieu thereof the word “this”;

12 And,

13 On page two, paragraph 4.3.b.1., after the words
14 “financial statements” by adding the words “that reflect
15 positive net worth”.

§64-7-2. Athletic Commission.

1 The legislative rule filed in the State Register on August
2 27, 2012, authorized under the authority of section three-a,
3 article five-a, chapter twenty-nine of this code, modified by
4 the Athletic Commission to meet the objections of the
5 Legislative Rule-Making Review Committee and refiled in
6 the State Register on October 18, 2012, relating to the
7 Athletic Commission (mixed martial arts, 177 CSR 2), is
8 authorized with the following amendments:

9 On page four, section five, line one, after the number
10 2500, by inserting a period and striking out the remainder of
11 the sentence;

12 On page four, section six, line four, by striking out the
13 dollar amount \$35,000 and inserting in lieu thereof, the dollar
14 amount \$10,000;

15 On page six, section eight, subsection 8.1, line five, by
16 striking out the dollar amount \$30,000 and inserting in lieu
17 thereof, the dollar amount \$20,000;

18 And,

19 On page six, section eight, subsection 8.2, line two, by
20 striking out the dollar amount \$30,000 and inserting in lieu
21 thereof, the dollar amount \$20,000.”.

§64-7-3. Racing Commission.

1 (a) The legislative rule filed in the State Register on
2 August 27, 2012, authorized under the authority of section
3 six, article twenty-three, chapter nineteen of this code,
4 modified by the Racing Commission to meet the objections
5 of the Legislative Rule-Making Review Committee and
6 refiled in the State Register on December 4, 2012, relating to

7 the Racing Commission (thoroughbred racing, 178 CSR 1),
8 is authorized with the following amendments:

9 On page thirty-seven, subdivision 24.1.i, by striking out
10 the word "sixteen (16)" and inserting in lieu thereof the word
11 "eighteen (18)"; and

12 On page thirty-seven, subdivision 24.1.1, following the
13 word "age" by inserting the following language: " Provided,
14 except that an occupational permit may be granted at sixteen
15 (16) years of age for the children or grandchildren of licensed
16 permit holders; licensed permit holders being defined for the
17 purposes of this subdivision as owners, breeders, trainers and
18 veterinarians".

19 (b) The legislative rule filed in the State Register on
20 August 27, 2012, authorized under the authority of section
21 six, article twenty-three, chapter nineteen of this code,
22 relating to the Racing Commission (greyhound racing, 178
23 CSR 2), is authorized.

24 (c) The legislative rule filed in the State Register on
25 August 27, 2012, authorized under the authority of section
26 six, article twenty-three, chapter nineteen of this code,
27 relating to the Racing Commission (pari-mutuel wagering,
28 178 CSR 5), is authorized.

§64-7-4. Lottery Commission.

1 The legislative rule filed in the State Register on August
2 10, 2012, authorized under the authority of section five,
3 article twenty-two, chapter twenty-nine of this code, modified
4 by the Lottery Commission to meet the objections of the
5 Legislative Rule-Making Review Committee and refiled in
6 the State Register on December 20, 2012, relating to the
7 Lottery Commission (state lottery rules, 179 CSR 1), is
8 authorized.

§64-7-5. State Tax Department.

1 The legislative rule filed in the State Register on August
2 30, 2012, authorized under the authority of section five,
3 article one-c, chapter eleven of this code, modified by the
4 State Tax Department to meet the objections of the
5 Legislative Rule-Making Review Committee and refiled in
6 the State Register on December 6, 2012, relating to the State
7 Tax Department (valuation of commercial and industrial real
8 and personal property for ad valorem property tax purposes,
9 110 CSR 1P), is authorized, with the following amendments:

10 On page one, subsection 1.1, beginning on line ten, by
11 striking out subsection 1.1 in its entirety and inserting in lieu
12 thereof the following:

13 “1.1 Scope. – These regulations clarify and implement
14 State law as it relates to the appraisal at market value of
15 commercial and industrial real and personal property under
16 W. Va. Code §11-10C-10. ~~Because these regulations provide~~
17 ~~context modifications of relevant parts of 110 C.S.R. and~~
18 ~~such regulations with context modifications were adopted by~~
19 ~~the Tax Commissioner through inclusion in the valuation plan~~
20 ~~required by W. Va. Code §11-1C-10(c), W. Va. Code~~
21 ~~§11-1C-5(b) eliminated the requirement that this filing be~~
22 ~~subject to the preceding requirements of W. Va. Code~~
23 ~~§29A-3-1 et seq.”;~~

24 And,

25 On page two, subsection 2.14, line twenty-four, following
26 the words “remaining in”, by striking out the words “the
27 landlord” and inserting in lieu thereof the word “one”.

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

Paul F. Tubman
.....
Member Chairman Senate Committee

Sammy Wells
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joseph M. Minard
.....
Clerk of the Senate

Suegy D. Paul
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

FILED
2013 MAY -2 PM 3:32
SOUTH CAROLINA
SECRETARY OF STATE

The within *is approved* this the *2nd*
Day of *May*, 2013.

Carl Roy Lumbkin
.....
Governor

PRESENTED TO THE GOVERNOR

MAY - 1 2013

Time 2 pm