

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 187

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED FEBRUARY 28, 2015; IN EFFECT FROM PASSAGE.]

SB187

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2015 MAR -5 P 12:16

FILED

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FOR
Senate Bill No. 187

(SENATOR SNYDER, *original sponsor*)

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2015 MAR - 5 P 12: 16

FILED

[Passed February 28, 2015; 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 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 certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing State Tax Department to promulgate a legislative rule relating to appointment of special assessors by State Tax Commissioner; authorizing Insurance Commissioner to promulgate a legislative rule relating to recognizing annuity mortality tables for use in determining reserve liabilities for annuities; authorizing Insurance Commissioner to promulgate a legislative rule relating to annuity disclosure; authorizing Alcohol Beverage Control Commission to promulgate a legislative rule relating to

nonintoxicating beer licensing and operations procedures; and authorizing Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing.

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. Racing Commission.

1 The legislative rule filed in the State Register on July 29,
2 2014, authorized under the authority of section two, article
3 twenty-three, chapter nineteen of this code, relating to the
4 Racing Commission (thoroughbred racing, 178 CSR 1), is
5 authorized.

§64-7-2. State Tax Department.

1 The legislative rule filed in the State Register on July 31,
2 2014, authorized under the authority of section one, article
3 three, chapter eleven of this code, modified by the State Tax
4 Department to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register
6 on September 26, 2014, relating to the State Tax Department
7 (appointment of special assessors by the State Tax
8 Commissioner, 110 CSR 1Q), is authorized with the
9 following amendments:

10 On page one, subsection 3.1., after the word "For" by
11 striking the word "all" and inserting in lieu thereof the word
12 "each;"

13 And,

14 On page one, subsection 3.1., after the words "the Tax
15 Commissioner shall" by striking the remainder of the
16 sentence and inserting in lieu thereof the following, "notify,
17 on or before the first day of the following tax year, the

18 assessor and the county commission for the county from
19 which the assessor is elected of that failure in writing, and
20 instruct the assessor to make all necessary corrections;”.

§64-7-3. Insurance Commissioner.

1 (a) The legislative rule filed in the State Register on
2 August 1, 2014, authorized under the authority of section ten,
3 article two, chapter thirty-three of this code, relating to the
4 Insurance Commissioner (recognizing annuity mortality
5 tables for use in determining reserve liabilities for annuities,
6 114 CSR 45), is authorized with the following amendment:

7 On page two, subsection 3.7., by striking out the word
8 “Generation” and inserting in lieu thereof the word
9 “Generational”.

10 (b) The legislative rule filed in the State Register on
11 August 1, 2014, authorized under the authority of section ten,
12 article two, chapter thirty-three of this code, modified by the
13 Insurance Commissioner to meet the objections of the
14 Legislative Rule-Making Review Committee and refiled in
15 the State Register on September 15, 2014, relating to the
16 Insurance Commissioner (annuity disclosure, 114 CSR 11E),
17 is authorized.

§64-7-4. Alcohol Beverage Control Commission.

1 (a) The legislative rule filed in the State Register on
2 August 1, 2014, authorized under the authority of section
3 twenty-two, article sixteen, chapter eleven of this code,
4 modified by the Alcohol Beverage Control Commission to
5 meet the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on November 6,
7 2014, relating to the Alcohol Beverage Control Commission
8 (nonintoxicating beer licensing and operations procedures,
9 176 CSR 1), is authorized with the amendments set forth
10 below:

11 On page 3, subsection 2.18., by striking out the
12 following: “Any container or jug not made of glass, ceramic

13 or metal may be submitted to the Commissioner for review
14 and approval or denial on a case-by-case basis.”;

15 On page 8, paragraph 3.6.a.2., by striking out the words
16 “the agents or employees” and inserting in lieu thereof “the
17 agents, employees or members”;

18 And,

19 On page 24, subdivision 13.2.a, by striking out the
20 following: “A franchise agreement as defined in subsection
21 2.15., is the agreement, that binds a brewer and a distributor
22 so that an appointed distributor may distribute all of the
23 brewer’s nonintoxicating beer products, brands or family of
24 brands, including line extensions, imported and offered for
25 sale in West Virginia, including, but not limited to: existing
26 brands, new brands and line extensions in the brewer’s
27 approved franchise distributor network and to a distributor’s
28 assigned territory.”

29 (b) The legislative rule filed in the State Register on
30 August 1, 2014, authorized under the authority of section ten,
31 article seven, chapter sixty of this code, modified by the
32 Alcohol Beverage Control Commission to meet the
33 objections of the Legislative Rule-Making Review
34 Committee and refiled in the State Register on October 29,
35 2014, relating to the Alcohol Beverage Control Commission
36 (private club licensing, 175 CSR 2), is authorized.

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

Mark R. Raymond
.....
Chairman Senate Committee

John B. Mc
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clark S. Barne
.....
Clerk of the Senate

Steph J. Fournier
.....
Clerk of the House of Delegates

William P. ...
.....
President of the Senate

Paul ...
.....
Speaker of the House of Delegates

The within *is approved* this the *5th*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 05 2015

Time 9:31 AM