

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 345

BY Senator Woodrum

[Originating in the Committee on the Judiciary;

reported on January 31, 2023]

1 A BILL to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all
2 relating generally to authorizing certain agencies of the Department of Revenue to
3 promulgate legislative rules; authorizing the rules as filed, as modified, and as modified
4 and amended by the Legislative Rule-Making Review Committee, and as amended by the
5 Legislature; relating to authorizing the Division of Financial Institutions to promulgate a
6 legislative rule relating to money transmission services; relating to authorizing the
7 Insurance Commissioner to promulgate a legislative rule relating to suitability in annuity
8 transactions; relating to authorizing the Insurance Commissioner to promulgate a
9 legislative rule relating to pharmacy auditing entities and pharmacy benefit managers;
10 relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating
11 to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to
12 promulgate a legislative rule relating to West Virginia Lottery sports wagering; relating to
13 authorizing the Tax Commissioner to promulgate a legislative rule relating to the valuation
14 of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property
15 tax purposes; relating to authorizing the Tax Commissioner to promulgate a legislative rule
16 relating to West Virginia Film Industry Investment Act; relating to authorizing the Tax
17 Commissioner to promulgate a legislative rule relating to the Farm-to-Food Bank tax credit;
18 relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to
19 property transfer tax; relating to authorizing the Tax Commissioner to promulgate a
20 legislative rule relating to municipal sales and use tax administration; and relating to
21 authorizing the Tax Commissioner to promulgate a legislative rule relating to a personnel
22 rule for the Tax Division.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE
LEGISLATIVE RULES.**

20 approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of
21 credit, an annuity purchased through an insurance company licensed and in good standing in this
22 State, a bond issued by an insurance company licensed and in good standing in this State, or real
23 estate with the Commissioner as security for bail bonds written in connection with a judicial
24 proceeding, and charges, receives or is promised money or other things of value in exchange for
25 his or her services.";

26 On page 2, section 2, by striking out subsection 2.10, and inserting in lieu thereof a new
27 subsection 2.10 to read as follows: "2.10. "Securities" or "approved securities" means cash, an
28 irrevocable letter of credit, an annuity purchased through an insurance company licensed and in
29 good standing in this State, a bond issued by an insurance company licensed and in good
30 standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer
31 underwriting agreement, or real estate located in this State that is unencumbered in, at least, the
32 amount of minimum financial responsibility required as set forth in this rule.";

33 On page 2, section 2, by striking out subsection 2.11, and inserting in lieu thereof a new
34 subsection 2.11 to read as follows:

35 "2.11. "Surety bondsman" means a person who:

36 2.11.1. Has been approved and licensed by the Commissioner as an insurance
37 producer with a property and casualty line of authority and appointed by an insurer to execute or
38 countersign bail bonds for the insurer through a qualified power of attorney in connection with
39 judicial proceedings and charges, receives or is promised money or other things of value in
40 exchange for his or her services; or

41 2.11.2. Posts approved security by providing the Commissioner with a qualified
42 power of attorney issued by an insurer pursuant to a producer underwriting agreement and being
43 approved and licensed by the Commissioner as an insurance producer with a limited lines surety
44 line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in

45 connection with judicial proceedings and charges, receives or is promised money or other things
46 of value in exchange for his or her services.";

47 And,

48 On page 3, section 3, paragraph 3.2.1.b, by striking out the words "is a licensed insurance
49 producer with a property and casualty line of authority, and".

§64-7-3. Lottery Commission.

1 The legislative rule filed in the State Register on July 21, 2022, authorized under the
2 authority of §29-22D-4 of this code, relating to the Lottery Commission (West Virginia lottery sports
3 wagering, 179 CSR 09), is authorized.

§64-7-4. Tax Commissioner.

1 (a) The legislative rule filed in the State Register on July 29, 2022, authorized under
2 the authority of §11-1C-5 of this code, modified by the Tax Commissioner to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 17,
4 2022, relating to the Tax Commissioner (Valuation of producing and reserve oil, natural gas liquids,
5 and natural gas for ad valorem property tax purposes, 110 CSR 01J), is authorized.

6 (b) The legislative rule filed in the State Register on July 26, 2022, authorized under
7 the authority of §11-13X-9 of this code, modified by the Tax Commissioner to meet the objections
8 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
9 26, 2022, relating to the Tax Commissioner (West Virginia Film Industry Investment Act , 110 CSR
10 13X), is authorized with the amendment set forth below:

11 On page 6, section 4, paragraph 4.1.3.b.2, by striking the word "commercials,".

12 (c) The legislative rule filed in the State Register on March 25, 2022, authorized under
13 the authority of §11-13DD-5 of this code, relating to the Tax Commissioner (Farm-to-Food Bank
14 tax credit, 110 CSR 13DD), is authorized.

15 (d) The legislative rule filed in the State Register on March 25, 2022, authorized under
16 the authority of §11-22-5 of this code, relating to the Tax Commissioner (property transfer tax, 110

17 CSR 22), is authorized.

18 (e) The legislative rule filed in the State Register on July 26, 2022, authorized under
19 the authority of §11-10-11c of this code, modified by the Tax Commissioner to meet the objections
20 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
21 26, 2022, relating to the Tax Commissioner (municipal sales and use tax administration, 110 CSR
22 28), is authorized.

23 (f) The legislative rule filed in the State Register on March 25, 2022, authorized under
24 the authority of §11B-1-8 of this code, relating to the Tax Commissioner (personnel rule for the Tax
25 Division, 110 CSR 42), is authorized.