

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 270**

5 (SENATOR SNYDER, *original sponsor*)

6 _____
7 [Passed April 13, 2013; in effect from passage.]
8 _____
9

10 AN ACT to amend and reenact article 7, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the Department of
13 Revenue; legislative mandate or authorization for the
14 promulgation of certain legislative rules by various executive
15 or administrative agencies of the state; authorizing certain
16 of the agencies to promulgate certain legislative rules with
17 various modifications presented to and recommended by the
18 Legislative Rule-Making Review Committee; authorizing certain
19 of the agencies to promulgate certain legislative rules with
20 various modifications presented to and recommended by the
21 Legislative Rule-Making Review Committee and as amended by the
22 Legislature; authorizing certain of the agencies to promulgate
23 certain legislative rules in the form that the rules were
24 filed in the State Register; authorizing the Insurance
25 Commissioner to promulgate a legislative rule relating to
26 provider-sponsored networks; authorizing the Athletic

1 Commission to promulgate a legislative rule relating to mixed
2 martial arts; authorizing the Racing Commission to promulgate
3 a legislative rule relating to thoroughbred racing;
4 authorizing the Racing Commission to promulgate a legislative
5 rule relating to greyhound racing; authorizing the Racing
6 Commission to promulgate a legislative rule relating to pari-
7 mutuel wagering; authorizing the Lottery Commission to
8 promulgate a legislative rule relating to state lottery rules;
9 and authorizing the State Tax Department to promulgate a
10 legislative rule relating to the valuation of commercial and
11 industrial real and personal property for ad valorem property
12 tax purposes.

13 *Be it enacted by the Legislature of West Virginia:*

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

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

18 **§64-7-1. Insurance Commissioner.**

19 The legislative rule filed in the State Register on August 31,
20 2012, authorized under the authority of section five, article
21 twenty-five-g, chapter thirty-three of this code, modified by the
22 Insurance Commissioner to meet the objections of the Legislative
23 Rule-Making Review Committee and refiled in the State Register on
24 October 18, 2012, relating to the Insurance Commissioner (provider-
25 sponsored networks, 114 CSR 43A), is authorized with the following
26 amendments:

1 On page one, subsection 2.1., by striking out "ths" and
2 inserting in lieu thereof the word "this";

3 And,

4 On page two, paragraph 4.3.b.1., after the words "financial
5 statements" by adding the words "that reflect positive net worth".

6 **§64-7-2. Athletic Commission.**

7 The legislative rule filed in the State Register on August 27,
8 2012, authorized under the authority of section three-a, article
9 five-a, chapter twenty-nine of this code, modified by the Athletic
10 Commission to meet the objections of the Legislative Rule-Making
11 Review Committee and refiled in the State Register on October 18,
12 2012, relating to the Athletic Commission (mixed martial arts, 177
13 CSR 2), is authorized with the following amendments:

14 On page four, section five, line one, after the number 2500,
15 by inserting a period and striking out the remainder of the
16 sentence;

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

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

23 And,

24 On page six, section eight, subsection 8.2, line two, by
25 striking out the dollar amount \$30,000 and inserting in lieu
26 thereof, the dollar amount \$20,000."

1 **§64-7-3. Racing Commission.**

2 (a) The legislative rule filed in the State Register on August
3 27, 2012, authorized under the authority of section six, article
4 twenty-three, chapter nineteen of this code, modified by the Racing
5 Commission to meet the objections of the Legislative Rule-Making
6 Review Committee and refiled in the State Register on December 4,
7 2012, relating to the Racing Commission (thoroughbred racing, 178
8 CSR 1), is authorized with the following amendments:

9 On page thirty-seven, subdivision 24.1.i, by striking out the
10 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 word
13 "age" by inserting the following language: ": Provided, except that
14 an occupational permit may be granted at sixteen (16) years of age
15 for the children or grandchildren of licensed permit holders;
16 licensed permit holders being defined for the purposes of this
17 subdivision as owners, breeders, trainers and veterinarians".

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

22 (c) The legislative rule filed in the State Register on August
23 27, 2012, authorized under the authority of section six, article
24 twenty-three, chapter nineteen of this code, relating to the Racing
25 Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

26 **§64-7-4. Lottery Commission.**

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

8 **§64-7-5. State Tax Department.**

9 The legislative rule filed in the State Register on August 30,
10 2012, authorized under the authority of section five, article one-
11 c, chapter eleven of this code, modified by the State Tax
12 Department to meet the objections of the Legislative Rule-Making
13 Review Committee and refiled in the State Register on December 6,
14 2012, relating to the State Tax Department (valuation of commercial
15 and industrial real and personal property for ad valorem property
16 tax purposes, 110 CSR 1P), is authorized, with the following
17 amendments:

18 On page one, subsection 1.1, beginning on line ten, by
19 striking out subsection 1.1 in its entirety and inserting in lieu
20 thereof the following:

21 "1.1 Scope. - These regulations clarify and implement State
22 law as it relates to the appraisal at market value of commercial
23 and industrial real and personal property under W. Va. Code §11-
24 10C-10. ~~Because these regulations provide context modifications of~~
25 ~~relevant parts of 110 C.S.R. 1 and such regulations with context~~
26 ~~modifications were adopted by the Tax Commissioner through~~

1 ~~inclusion in the valuation plan required by W. Va. Code~~
2 ~~§11-1C-10(e), W. Va. Code §11-1C-5(b) eliminated the requirement~~
3 ~~that this filing be subject to the proceeding requirements of W.~~
4 ~~Va. Code §29A-3-1 et seq.”;~~

5 And,

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