

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 270

(By Senator Snyder)

[Originating in the Committee on the Judiciary;
reported March 27, 2013.]

A BILL 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.

§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 amendment:

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)”.

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

17 (c) The legislative rule filed in the State Register on
18 August 27, 2012, authorized under the authority of section
19 six, article twenty-three, chapter nineteen, of this code,

20 relating to the Racing Commission (pari-mutuel wagering,
21 178 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,
4 modified by the Lottery Commission to meet the objections
5 of the Legislative Rule-Making Review Committee and
6 refiled in the State Register on December 20, 2012, relating
7 to the Lottery Commission (state lottery rules, 179 CSR 1),
8 is 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.