

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 157**

BY SENATOR MAYNARD

[Originating in the Committee on the Judiciary;

Reported January 20, 2016.]



1 A BILL to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as  
2 amended, relating generally to promulgation of administrative rules by Department of  
3 Revenue; authorizing certain of the agencies to promulgate certain legislative rules in the  
4 form that the rules were filed in the State Register; authorizing certain of the agencies to  
5 promulgate certain legislative rules with various modifications presented to and  
6 recommended by the Legislative Rule-Making Review Committee; authorizing certain of  
7 the agencies to promulgate certain legislative rules with various amendments presented  
8 to and recommended by the Legislative Rule-Making Review Committee; authorizing  
9 certain of the agencies to promulgate certain legislative rules with various amendments  
10 recommended by the Legislature; directing various agencies to amend and promulgate  
11 certain legislative rules; authorizing Alcohol Beverage Control Commission to promulgate  
12 legislative rule relating to nonintoxicating beer licensing and operations procedures;  
13 authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating  
14 to private club licensing; authorizing Alcohol Beverage Control Commission to promulgate  
15 legislative rule relating to distilleries and mini-distilleries; directing the Lottery Commission  
16 to amend and promulgate legislative rule relating to limited video lottery; authorizing  
17 Racing Commission to promulgate legislative rule relating to thoroughbred racing;  
18 authorizing Racing Commission to promulgate legislative rule relating to pari-mutuel  
19 wagering; authorizing Department of Tax and Revenue to promulgate legislative rule  
20 relating to payment of taxes by electronic funds transfer; and authorizing Department of  
21 Tax and Revenue to promulgate legislative rule relating to an exchange of information  
22 agreement between Commissioner of the Tax Division of the Department of Revenue and  
23 Secretary of the Department of Commerce, Secretary of the Department of Environmental  
24 Protection, Director of the Division of Forestry of the Department of Commerce and  
25 Commissioners of the Public Service Commission.

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

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

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

**§64-7-1. Alcohol Beverage Control Commission.**

1           (a) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
2 authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the  
3 Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making  
4 Review Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol  
5 Beverage Control Commission (nonintoxicating beer licensing and operations procedures, 176  
6 CSR 1), is authorized.

7           (b) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
8 authority of section ten, article seven, chapter sixty of this code, relating to the Alcohol Beverage  
9 Control Commission (private club licensing, 175 CSR 2), is authorized.

10          (c) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
11 authority of section sixteen, article two, chapter sixty of this code, modified by the Alcohol  
12 Beverage Control Commission to meet the objections of the Legislative Rule-Making Review  
13 Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol  
14 Beverage Control Commission (distilleries and mini-distilleries, 175 CSR 10), is authorized.

**§64-7-2. Lottery Commission.**

1           The Legislature directs the Lottery Commission to promulgate the legislative rule filed in  
2 the State Register on May 20, 2009, authorized under the authority of section four hundred two,  
3 article twenty-two-b, chapter twenty-nine of this code, relating to the Lottery Commission (limited  
4 video lottery, 179 CSR 5), with the amendments set forth below:

5 On page 3, after subsection 2.11, by adding a new subsection 12.2 to read as follows:

6 2.12. "Licensed limited video lottery location approved by the commission" as it appears  
7 in W. Va. Code, §29-22B-1201(a) means the location in excess of the following straight-line  
8 distances from any of the following places:

9 2.12.a. The location is at least one hundred fifty feet from, or has an external structural  
10 connection not amounting to a common internal wall to, a premises that already has a retail  
11 license for video lottery terminals or the perimeter of a public park;

12 2.12.b. The location is at least three hundred feet from a church, school or daycare center;  
13 or

14 12.12.c. The location is at least one hundred fifty feet from a business that petroleum  
15 products capable of being used as fuel in an internal combustion engine.

16 And,

17 By renumbering the remaining subsections.

**§64-7-3. Racing Commission.**

1 (a) The legislative rule filed in the State Register on July 22, 2015, authorized under the  
2 authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing  
3 Commission (thoroughbred racing, 178 CSR 1), is authorized.

4 (b) The legislative rule filed in the State Register on July 22, 2015, authorized under the  
5 authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing  
6 Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

**§64-7-4. Department of Tax and Revenue.**

1 (a) The legislative rule filed in the State Register on July 29, 2015, authorized under the  
2 authority of section five-t, article ten, chapter eleven of this code, modified by the Department of  
3 Tax and Revenue to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on September 18, 2015, relating to the Department of Tax and  
5 Revenue (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

6           (b) The legislative rule filed in the State Register on July 29, 2015, authorized under the  
7 authority of section five, article ten, chapter eleven of this code, relating to the Department of Tax  
8 and Revenue (exchange of information agreement between the Commissioner of the Tax Division  
9 of the Department of Revenue and the Secretary of the Department of Commerce, the Secretary  
10 of the Department of Environmental Protection, the Director of the Division of Forestry of the  
11 Department of Commerce and the Commissioners of the Public Service Commission, 110 CSR  
12 50H), is authorized.