

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 312

BY SENATOR SYPOLT

[Originating in the Committee on the Judiciary;

reported on February 7, 2022]

1 A BILL to amend and reenact §64-7-1 *et. seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Revenue to
3 promulgate legislative rules; authorizing the rules as filed and as modified by the
4 Legislative Rule-Making Review Committee and as amended by the Legislature; relating
5 to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule
6 relating to private club licensing; relating to authorizing the Alcohol Beverage Control
7 Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and
8 operations procedures; relating to authorizing the Insurance Commission to promulgate a
9 legislative rule relating to continuing education for individual insurance producers and
10 individual in; relating to authorizing the Insurance Commission to promulgate a legislative
11 rule relating to the adoption of the valuation manual; relating to authorizing the Insurance
12 Commission to promulgate a legislative rule relating to pharmacy auditing entities and
13 pharmacy benefit managers; relating to authorizing the Insurance Commission to
14 promulgate a legislative rule relating to term and universal life insurance reserve financing;
15 relating to authorizing the Insurance Commission to promulgate a legislative rule relating
16 to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to
17 promulgate a legislative rule relating to the West Virginia Lottery State Lottery Rules;
18 relating to authorizing the Lottery Commission to promulgate a legislative rule relating to
19 West Virginia Lottery Limited Video Lottery Rule; relating to authorizing the Racing
20 Commission to promulgate a legislative rule relating to thoroughbred racing; relating to
21 authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel
22 wagering; relating to authorizing the Tax Department to promulgate a legislative rule
23 relating to the West Virginia tax credit for Federal Excise Tax imposed upon small arms
24 and ammunition manufacturers; relating to authorizing the Tax Department to promulgate
25 a legislative rule relating to the Sales Tax Holiday; relating to authorizing the Tax
26 Department to promulgate a legislative rule relating to the exemption for repair,

27 remodeling, and maintenance of an aircraft; relating to authorizing the Tax Department to
28 promulgate a legislative rule relating to vendor absorption or assumption of Sales and Use
29 tax; and relating to authorizing the Tax Department to promulgate a legislative rule relating
30 to on-line bingo and raffles; and relating to authorizing the Tax Department to promulgate
31 a legislative rule to the corporation net income tax.

Be it enacted by the Legislature of West Virginia:

**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 27, 2021, authorized under
2 the authority of §60-2-16 of this code, modified by the Alcohol Beverage Control Commission to
3 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on December 20, 2021, relating to the Alcohol Beverage Control Commission (Private
5 Club Licensing, 175 CSR 02), is authorized.

6 (b) The legislative rule filed in the State Register on July 28, 2021, authorized under
7 the authority of §11-16-22 of this code, modified by the Alcohol Beverage Control Commission to
8 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
9 Register on December 20, 2021, relating to the Alcohol Beverage Control Commission
10 (Nonintoxicating Beer Licensing and Operations Procedures, 176 CSR 01), is authorized.

§64-7-2. Insurance Commission.

1 (a) The legislative rule filed in the State Register on July 8, 2021, authorized under the
2 authority of §33-12B-12 of this code, relating to the Insurance Commission (Continuing Education
3 for Individual Insurance Producers and Individual Insurance Adjusters, 114 CSR 42), is
4 authorized.

5 (b) The legislative rule filed in the State Register on March 31, 2021, authorized under

6 the authority of §33-7-9 of this code, relating to the Insurance Commission (Adoption of Valuation
7 Manual, 114 CSR 98), is authorized.

8 (c) The legislative rule filed in the State Register on July 27, 2021, authorized under
9 the authority of §33-51-8 of this code, relating to the Insurance Commission (Pharmacy Auditing
10 Entities and Pharmacy Benefit Managers, 114 CSR 99), is authorized.

11 (d) The legislative rule filed in the State Register on July 8, 2021, authorized under the
12 authority of §33-4-15a of this code, relating to the Insurance Commission (Term and Universal
13 Life Insurance Reserve Financing, 114 CSR 102), is authorized.

14 (e) The legislative rule filed in the State Register on July 9, 2021, authorized under the
15 authority of §51-10-8 of this code, modified by the Insurance Commission to meet the objections
16 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 24,
17 2021, relating to the Insurance Commission (Bail Bondsmen in Criminal Cases, 114 CSR 103),
18 is authorized.

§64-7-3. Lottery Commission

1 (a) The legislative rule filed in the State Register on July 7, 2021, authorized under the
2 authority of §29-22-5 of this code, modified by the Lottery Commission to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on September
4 27, 2021, relating to the Lottery Commission (West Virginia Lottery State Lottery Rules, 179 CSR
5 01), is authorized.

6 (b) The legislative rule filed in the State Register on July 8, 2021, authorized under the
7 authority of §29-22B-402 of this code, modified by the Lottery Commission to meet the objections
8 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
9 27, 2021, relating to the Lottery Commission (West Virginia Lottery Limited Video Lottery Rule,
10 179 CSR 05), is authorized.

§64-7-4. Racing Commission.

1 (a) The legislative rule filed in the State Register on July 28, 2021, authorized under

2 the authority of §19-23-6 of this code, modified by the Racing Commission to meet the objections
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on December
4 8, 2021, relating to the Racing Commission (Thoroughbred Racing, 178 CSR 01), is authorized.

5 (b) The legislative rule filed in the State Register on April 30, 2021, authorized under
6 the authority of §19-23-6 of this code, relating to the Racing Commission (Pari-Mutuel Wagering,
7 178 CSR 05), is authorized.

§64-7-5. Tax Department.

1 (a) The legislative rule filed in the State Register on July 8, 2021 authorized under the
2 authority of §11-13KK-13 of this code, modified by the State Tax Department to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 September 7, 2021 relating to the State Tax Department (West Virginia Tax Credit for Federal
5 Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers, 110 CSR 13KK), is
6 authorized.

7 (b) The legislative rule filed in the State Register on June 30, 2021, authorized under
8 the authority of §11-15-9s of this code, modified by the Tax Department to meet the objections
9 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
10 21, 2021, relating to the Tax Department (Sales Tax Holiday, 110 CSR 15F), is authorized.

11 (c) The legislative rule filed in the State Register on July 8, 2021, authorized under the
12 authority of §11-15-9t of this code, modified by the State Tax Department to meet the objections
13 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
14 7, 2021, relating to the State Tax Department (Exemption for Repair, Remodeling, and
15 Maintenance of Aircraft, 110 CSR 15L), is authorized.

16 (d) The legislative rule filed in the State Register on July 8, 2021, authorized under the
17 authority of §11-15A-8 of this code, relating to the Tax Department (Vendor Absorption or
18 Assumption of Sales and Use Tax, 110 CSR 15M), is authorized.

19 (e) The legislative rule filed in the State Register on July 8, 2021, authorized under the

20 authority of §11-15A-8 of this code, relating to the Tax Department (On-line Bingo and Raffles,
21 110 CSR 16A), is authorized with the following amendments:

22 On page four, subsection 8.1, by striking out the words “A licensee may only use bingo
23 equipment or raffle equipment,” and inserting in lieu thereof the words “A bingo licensee may use
24 only bingo equipment,”;

25 On page four, after subsection 8.1, by adding a new subsection 8.2 to read as follows:

26 8.2. A raffle licensee may use only raffle equipment, including software or programming
27 for conducting raffles on-line over the Internet, which the licensee owns or which it borrows without
28 compensation, or leases for a reasonable and customary amount from a wholesaler or distributor
29 of raffle boards and games licensed under W. Va. Code §47-23-3.

30 And,

31 By renumbering the remaining subsection.

32 (f) The legislative rule filed in the State Register on July 27, 2021, authorized under
33 the authority of §11-24-6b of this code, modified by the Tax Department to meet the objections of
34 the Legislative Rule-Making Review Committee and refiled in the State Register on September
35 21, 2021, relating to the Tax Department (Corporation Net Income Tax, 110 CSR 24), is
36 authorized

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