

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

FILED
OCT 18 PM 2:20
BUREAU OF RECORDS & COMMUNICATIONS

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: NONINTOXICATING BEER COMMISSIONER TITLE NUMBER: 176

CITE AUTHORITY W. VA. CODE § 11-16-22

AMENDMENT TO AN EXISTING RULE: YES NO (REPEAL AND REPLACE)

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

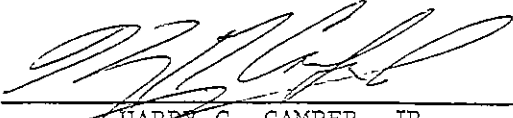
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: NONINTOXICATING BEER LICENSING

AND OPERATIONS PROCEDURES

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



HARRY G. CAMPER, JR.
COMMISSIONER

Legislative Rule-Making Review Committee
Amendment to Proposed Rule

Nonintoxicating Beer Commissioner, Dept. of Tax and Revenue-
Nonintoxicating Beer Licensing and Operations Procedures

✓ The proposed rule was amended on page fifteen, section 6.2.3.1, by striking the words "at least 50% of the members of the team are employees of such brewer or distributor and".

The Committee deleted the membership requirement because they believed that it was unduly restrictive.

The proposed rule was also amended on page nineteen by striking all of sections 7.2, 7.3, and 7.3.2.

These sections prohibit the advertising of nonintoxicating beer on the windows or doors of licensed retailers and all exterior signs advertising nonintoxicating beer.

The Committee removed the prohibition on advertising because they believed it was unduly restrictive.

one, relating to the state tax commissioner (business investment and jobs expansion tax credit, corporations headquarters relocation tax credit, and ~~small business tax credit~~) are authorized.

§64-7-7. Office of non-intoxicating beer commissioner.

The legislative rules filed in the state register on the tenth day of August, one thousand nine hundred ninety, modified by the office of non-intoxicating beer commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighteenth day of October, one thousand nine hundred ninety, relating to the office of non-intoxicating commissioner (nonintoxicating beer licensing and operations procedures) are authorized with the amendment set forth below:

On page fifteen, section 6.2.3.1, by striking the words "at least fifty percent of the members of the team are employees of such brewer or distributor and".

ARTICLE 8. - AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO PROMULGATE LEGISLATIVE RULES.

§64-8-1. Division of highways.

(a) The legislative rules filed in the state register on the twenty-first day of October, one thousand nine hundred eighty-three, relating to the commissioner of highways (transportation of hazardous waste by highway transporters), are authorized with the amendments set forth below:



FILED

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

SEP 20 PM 4:52

Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Lloyd Jackson, Co-Chairman
Delegate Patrick H. Murphy, Co-Chairman

Debra A. Graham, Counsel
Michael McThomas, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

September 25, 1990

TO: Ken Hechler, Secretary of State, State Register
TO: The Honorable Harry G. Camper, Jr.
Nonintoxicating Beer Commissioner
State Capitol
Charleston, WV 25305
FROM: Legislative Rule-Making Review Committee
PROPOSED RULE: Nonintoxicating Beer Licensing and Operations
Procedures

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency _____
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: John Montgomery, Legal Division
Blaine Michael, Esquire
Paula Cunningham
Helen Matheny