

VE10 SD 310

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 310

(By Senator Ross, et al)



PASSED March 11, 2000

In Effect From Passage

RECEIVED
COMMISSIONER
OF REVENUE
MARCH 15 2000

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 310

(SENATORS ROSS, ANDERSON, MINARD, SNYDER,
UNGER AND MINEAR, *original sponsors*)

[Passed March 11, 2000; in effect from passage.]

AN ACT to amend and reenact article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; 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 in the form that the rules were filed in the state register; 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 as amended by the Legislature; 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 the development office to promulgate a legislative rule relating to the West Virginia office of coalfield community development; authorizing the development office to promulgate a legislative rule relating to the general administration of the West Virginia capital company act; establishment of the application procedures to implement the act; authorizing the division of labor to promulgate a legislative rule relating to the amusement rides and amusement attractions safety act; authorizing the division of labor to promulgate a legislative rule relating to steam boiler operation; authorizing the division of natural resources to promulgate a legislative rule relating to the revocation of hunting and fishing licenses; authorizing the division of natural resources to promulgate a legislative rule relating to boating; authorizing the division of natural resources to promulgate a legislative rule relating to special motorboating; authorizing the division of natural resources to promulgate a legislative rule relating to the public use of West Virginia state parks, state forests and wildlife management areas under the division; authorizing the division of natural resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the division of natural resources to promulgate a legislative rule relating to special bear hunting; authorizing the division of natural resources to promulgate a legislative rule relating to the recycling assistance grant program; authorizing the division of natural resources to promulgate a legislative rule relating to general trapping; authorizing the division of natural resources to promulgate a legislative rule relating to the litter control grant program; authorizing the division of natural resources to promulgate a legislative rule relating to special fishing; authorizing the division of natural resources

to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses; and authorizing the division of natural resources to promulgate a legislative rule relating to the issuance of hunting, trapping and fishing licenses by telephone and/or other electronic methods.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Development office.

1 (a) The legislative rule filed in the state register on the
2 eighteenth day of October, one thousand nine hundred
3 ninety-nine, under the authority of section twelve, article
4 two-a, chapter five-b of this code, relating to the develop-
5 ment office (West Virginia office of coalfield community
6 development, 145 CSR 8), is authorized.

7 (b) The legislative rule filed in the state register on the
8 sixth day of August, one thousand nine hundred ninety-
9 nine, under the authority of section five, article one,
10 chapter five-e of this code, modified by the West Virginia
11 development office to meet the objections of the legislative
12 rule-making review committee and refiled in the state
13 register on the seventeenth day of September, one thou-
14 sand nine hundred ninety-nine, relating to the economic
15 development authority (general administration of the West
16 Virginia capital company act; establishment of the appli-
17 cation procedures to implement the act, 117 CSR 1), is
18 authorized.

§64-10-2. Division of labor.

1 (a) The legislative rule filed in the state register on the
2 fourth day of August, one thousand nine hundred
3 ninety-nine, authorized under the authority of section
4 three, article ten, chapter twenty-one of this code, modi-
5 fied by the division of labor to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the third day of December, one
8 thousand nine hundred ninety-nine, relating to the divi-
9 sion of labor (amusement rides and amusement attractions
10 safety act, 42 CSR 17), is authorized.

11 (b) The legislative rule filed in the state register on the
12 fourth day of August, one thousand nine hundred
13 ninety-nine, authorized under the authority of section
14 seven, article three, chapter twenty-one of this code,
15 modified by the division of labor to meet the objections of
16 the legislative rule-making review committee and refiled
17 in the state register on the third day of December, one
18 thousand nine hundred ninety-nine, relating to the divi-
19 sion of labor (steam boiler inspection, 42 CSR 3), is
20 authorized.

§64-10-3. Division of natural resources.

1 (a) The legislative rule filed in the state register on the
2 fifth day of August, one thousand nine hundred
3 ninety-nine, authorized under the authority of section
4 seven, article one, chapter twenty of this code, modified by
5 the division of natural resources to meet the objections of
6 the legislative rule-making review committee and refiled
7 in the state register on the twenty-eighth day of Septem-
8 ber, one thousand nine hundred ninety-nine, relating to
9 the division of natural resources (revocation of hunting
10 and fishing licenses, 58 CSR 23), is authorized.

11 (b) The legislative rule filed in the state register on the
12 fifth day of August, one thousand nine hundred
13 ninety-nine, authorized under the authority of section

14 twenty-three, article seven, chapter twenty of this code,
15 modified by the division of natural

16 resources to meet the objections of the legislative
17 rule-making review committee and refiled in the state
18 register on the twenty-eighth day of September, one
19 thousand nine hundred ninety-nine, relating to the divi-
20 sion of natural resources (boating, 58 CSR 25), is autho-
21 rized.

22 (c) The legislative rule filed in the state register on the
23 eighth day of September, one thousand nine hundred
24 ninety-eight, authorized under the authority of section
25 twenty-three, article seven, chapter twenty of this code,
26 modified by the division of natural resources to meet the
27 objections of the legislative rule-making review committee
28 and refiled in the state register on the fourth day of May,
29 one thousand nine hundred ninety-nine, relating to the
30 division of natural resources (special motorboating, 58
31 CSR 27), is authorized with the following amendments:

32 "On page two, subdivision 3.1.1 after the word "Engi-
33 neers;" by striking out the word "and";

34 And,

35 On page two, subdivision 3.1.2 at the end of the subdivi-
36 sion by changing the period to a semicolon and adding the
37 word "and" and a new subdivision, designated 3.1.3, to
38 read as follows:

39 3.1.3. Beginning at the mouth of Fishing Creek at its
40 confluence with the Ohio River and extending upstream
41 approximately six-tenths (0.6) of a mile to the Route 2
42 Bridge. This area is situated entirely within the bound-
43 aries of the City of New Martinsville, West Virginia. The
44 city of New Martinsville, West Virginia, is responsible for
45 purchasing, placing and maintaining the No Wake Zone
46 buoys and informational signs. Signs shall meet the

47 approval of the director. Any buoys or other structures
48 placed in the water shall conform to the U.S. Coast Guard
49 Standards for Inland Rivers and, if they would interfere
50 with commercial river traffic, be approved by the U.S.
51 Army Corps of Engineers.”

52 (d) The legislative rule filed in the state register on the
53 thirtieth day of July, one thousand nine hundred
54 ninety-nine, authorized under the authority of section two,
55 article five, chapter twenty of this code, modified by the
56 division of natural resources to meet the objections of the
57 legislative rule-making review committee and refiled in
58 the state register on the twenty-third day of August, one
59 thousand nine hundred ninety-nine, relating to the divi-
60 sion of natural resources (public use of West Virginia state
61 parks, state forests, wildlife management areas under the
62 division of natural resources, 58 CSR 31), is authorized,
63 with the following amendment:

64 “On page three, section two, subsection 2.21, following
65 the comma after the words ‘Berkeley Springs,’ by inserting
66 the words ‘Brush Creek Falls day-use area managed by
67 Pipestem State Park,’ following by a comma.”

68 (e) The legislative rule filed in the state register on the
69 eighth day of September, one thousand nine hundred
70 ninety-eight, authorized under the authority of section
71 seven, article one, chapter twenty of this code, modified by
72 the division of natural resources to meet the objections of
73 the legislative rule-making review committee and refiled
74 in the state register on the fourth day of May, one thou-
75 sand nine hundred ninety-nine, relating to the division of
76 natural resources (prohibitions when hunting and trap-
77 ping, 58 CSR 47), is authorized.

78 (f) The legislative rule filed in the state register on the
79 fifteenth day of January, one thousand nine hundred
80 ninety-nine, authorized under the authority of section

81 seven, article one, chapter twenty of this code, relating to
82 the division of natural resources (special bear hunting, 58
83 CSR 48), is authorized.

84 (g) The legislative rule filed in the state register on the
85 sixth day of August, one thousand nine hundred ninety-
86 nine, authorized by section five-a, article eleven, chapter
87 twenty of this code, modified by the division of natural
88 resources to meet the objections of the legislative rule-
89 making review committee and refiled in the state register
90 on the twenty-eighth day of December, one thousand nine
91 hundred ninety-nine, relating to the division of natural
92 resources (recycling assistance grant program, 58 CSR 5)
93 is authorized, with the following amendment:

94 “On page four, subsection 4.1., in the first sentence after
95 the word “through” by striking out the words “consulta-
96 tion with” and inserting in lieu thereof the words “notifi-
97 cation of”;

98 On page four, subsection 4.1., in the second sentence
99 after the word “partnerships” by adding the word “corpo-
100 rations”;

101 On page four, subsection 4.1., in the third sentence after
102 the words “for the” by adding the words “applicant to
103 receive priority for a grant”;

104 And,

105 On page fourteen, subsection 9.1., in the first sentence
106 after the word “industry” by adding the words “solid
107 waste industry”.

108 (h) The legislative rule filed in the state register on the
109 twentieth day of July, one thousand nine hundred ninety-
110 nine, authorized by section seven, article one, chapter
111 twenty of this code, relating to the division of natural

112 resources (general trapping regulations, 58 CSR 53), is
113 authorized.

114 (i) The legislative rule filed in the state register on the
115 sixth day of August, one thousand nine hundred
116 ninety-nine, authorized under the authority of section
117 twenty-five, article seven, chapter twenty of this code,
118 modified by the division of natural resources to meet the
119 objections of the legislative rule-making review committee
120 and refiled in the state register on the twenty-eighth day
121 of December, one thousand nine hundred ninety-nine,
122 relating to the division of natural resources (litter control
123 grant program, 58 CSR 6), is authorized.

124 (j) The legislative rule filed in the state register on the
125 twentieth day of July, one thousand nine hundred
126 ninety-nine, authorized under the authority of section
127 seven, article one, chapter twenty of this code, modified by
128 the division of natural resources to meet the objections of
129 the legislative rule-making review committee and refiled
130 in the state register on the thirtieth day of August, one
131 thousand nine hundred ninety-nine, relating to the divi-
132 sion of natural resources (special fishing, 58 CSR 61), is
133 authorized.

134 (k) The legislative rule filed in the state register on the
135 fourteenth day of June, one thousand nine hundred
136 ninety-nine, authorized under the authority of section
137 seven, article one, chapter twenty of this code, modified by
138 the division of natural resources to meet the objections of
139 the legislative rule-making review committee and refiled
140 in the state register on the twentieth day of July, one
141 thousand nine hundred ninety-nine, relating to the divi-
142 sion of natural resources (lifetime hunting, trapping and
143 fishing licenses, 58 CSR 67), is authorized.

144 (l) The legislative rule filed in the state register on the
145 twentieth day of July, one thousand nine hundred

146 ninety-nine, authorized under the authority of section
147 seven, article one, chapter twenty of this code, modified by
148 the division of natural resources to meet the objections of
149 the legislative rule-making review committee and refiled
150 in the state register on the thirtieth day of August, one
151 thousand nine hundred ninety-nine, relating to the divi-
152 sion of natural resources (issuance of hunting, trapping
153 and fishing licenses by telephone and other electronic
154 methods, 58 CSR 68), is authorized.

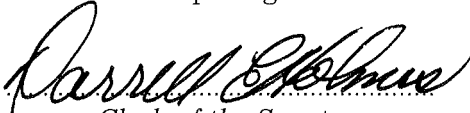
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee
Member

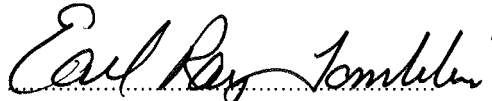

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Chairman House Committee

Originated in the Senate.

In effect from passage.

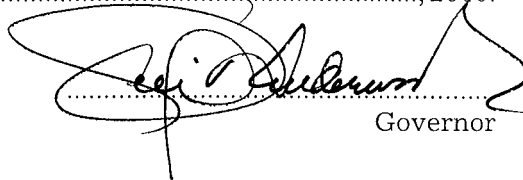

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within..... *disapproved* this the *17th* ..
Day of..... *March* .., 2000.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/00

Time 4:30 pm