

710: 425

RECEIVED
MAR 23 2 00 PM '84
OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

—•—

ENROLLED

SENATE BILL NO. 425

(By Mr. Nelson)

—•—

PASSED March 10, 1984

In Effect from Passage



ENROLLED
Senate Bill No. 425
(BY MR. NELSON)

[Passed March 10, 1984; in effect from passage.]

AN ACT to amend and reenact sections sixteen (one) (seven), sixteen (twenty) (five), nineteen (twenty-three) (six), twenty (five-a) (three) and twenty (five-e) (six), article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article two by adding thereto thirty-two new sections, designated sections five (sixteen) (eighteen), eleven (one-a) (eleven), twelve (one) (two), twelve (two) (two), twelve (six) (five), fifteen (two) (twenty-five), sixteen (two-e) (three), sixteen (twenty-nine-b) (eight), seventeen-c (five-a) (two), seventeen-c (five-a) (three), seventeen-d (two-a) (eight), nineteen (two) (five), nineteen (two-c) (five), twenty (five-e) (seven), twenty (five-f) (four), twenty (six) (two), twenty (six) (thirty-eight), twenty-one (three) (eighteen), twenty-two (four) (thirteen), twenty-three (four-c) (three), twenty-seven (nine) (one), twenty-seven (seventeen) (three), twenty-nine (three) (five), thirty (three) (seven), thirty (seven) (four), thirty (twenty-three) (five), thirty-one-a (two) (four), thirty-one-a (four) (twenty-six), thirty-two (four) (four hundred two), thirty-two (four) (four hundred twelve), thirty-three (two) (ten) and thirty-three (twenty) (fifteen), all relating generally to legislative mandate or authorization for the promulgation of certain legislative rules by various executive agencies of the state; authorizing certain of such agencies to promulgate certain legislative rules in the form that such rules were filed in the state register; authorizing

certain of such agencies to promulgate legislative rules as amended by the Legislature; directing certain agencies to promulgate in accordance with rules filed in the office of the secretary of state by the clerk of the House of Delegates; authorizing the public employees insurance board to promulgate legislative rules for the purpose of regulating the public employees insurance program and defining certain terms with respect thereto; authorizing the state tax commissioner to promulgate certain legislative rules for the purpose of appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; authorizing the state board of investments to promulgate certain legislative rules for the purpose of selection of state depositories for the disbursement of accounts through competitive bidding; authorizing the state treasurer to promulgate certain legislative rules for the purpose of the establishment of imprest funds; authorizing the state board of investments to promulgate certain legislative rules for the purpose of administration of the consolidated fund; authorizing the department of public safety to promulgate certain legislative rules for the purpose of providing general orders; authorizing the state board of health to promulgate certain legislative rules for the purposes of trauma center or facility designation, of well water regulation, of providing procedures for recovery of corneal tissue for transplant, and of birthing center licensure; authorizing the air pollution control commission to promulgate certain legislative rules for the purposes of permits for construction and modification of stationary sources of air pollution for the prevention of significant deterioration, of emission standards for hazardous air pollutants and of standards of performance for new stationary sources; authorizing the health care cost review authority to promulgate certain legislative rules for the purposes of a limitation on hospital gross patient revenue and of a freeze on hospital rates and granting temporary rate increases; authorizing the commissioner of motor vehicles to promulgate certain legislative rules with respect to driving under the influence of alcohol or drugs, drivers' license revocation and certain administrative hearings, for the purposes of the safety and treatment program and of compulsory insurance; authorizing the commissioner of agriculture to promulgate

certain legislative rules for the purposes of providing a schedule of charges for inspection services for fruit, of licensing auctioneers, of regulating greyhound racing and of regulating thoroughbred horse racing; authorizing the water resources board to promulgate certain legislative rules for the purposes of special regulations, of ground water protection standards, of providing a state national pollutant discharge elimination system program; directing the water resources board to adopt certain rules relating to water quality standards in conformity with rules filed in the office of the secretary of state by clerk of the House of Delegates; authorizing the department of natural resources and the air pollution control commission to promulgate certain legislative rules for the purposes of hazardous waste management and to prevent and control air pollution from hazardous waste treatment, storage or disposal facilities respectively; authorizing the commissioner of highways to promulgate certain legislative rules for the purpose of regulating the transportation of hazardous waste by highway transporters; authorizing the department of natural resources to promulgate certain legislative rules for the purpose of regulating surface mining; authorizing the department of mines to promulgate certain legislative rules for the purpose of governing the safety of those persons employed in and around surface mines; authorizing the department of labor to promulgate certain legislative rules for the purpose of implementing the hazardous chemical substances act; authorizing the office of oil and gas of the department of mines to promulgate certain legislative rules relating to the regulation of oil, gas and certain other wells; authorizing the workers' compensation commissioner to promulgate certain legislative rules for the purpose of the employers' excess liability fund; authorizing the state board of health to promulgate certain legislative rules for the purpose of licensure of behavioral health centers; authorizing the state fire commission to promulgate certain legislative rules for the purpose of providing a state fire code; authorizing the board of medicine to promulgate certain legislative rules relating to the practice of medicine, certain licensing disciplinary and complaint procedures, the regulation of the practice of podiatry and of physician assistants; authorizing the board of examiners for registered

professional nurses to promulgate certain legislative rules for the purpose of setting qualifications of graduates of foreign nursing schools for admission to the professional nurse licensing examination; authorizing the radiologic technology board of examiners to promulgate certain legislative rules for the purpose of regulating radiologic technologists; authorizing the commissioner of banking to promulgate certain legislative rules for the purposes of regulating consumer credit sales and the legal lending limit; authorizing state auditor, as securities commissioner, to promulgate certain legislative rules for the purpose of regulating broker-dealers, agents and investment advisors; authorizing the insurance commissioner to promulgate certain legislative rules for the purpose of regulating excess line brokers; and authorizing the board of risk and insurance management to promulgate certain legislative rules regulating mine subsidence insurance.

Be it enacted by the Legislature of West Virginia:

That sections sixteen (one) (seven), sixteen (twenty) (five), nineteen (twenty-three) (six), twenty (five-a) (three) and twenty (five-e) (six), article two, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article two be further amended by adding thereto thirty-two new sections, designated sections five (sixteen) (eighteen), eleven (one-a) (eleven), twelve (one) (two), twelve (two) (two), twelve (six) (five), fifteen (two) (twenty-five), sixteen (two-e) (three), sixteen (twenty-nine-b) (eight), seventeen-c (five-a) (two), seventeen-c (five-a) (three), seventeen-d (two-a) (eight), nineteen (two) (five), nineteen (two-c) (five), twenty (five-e) (seven), twenty (five-f) (four), twenty (six) (two), twenty (six) (thirty-eight), twenty-one (three) (eighteen), twenty-two (four) (thirteen), twenty-three (four-c) (three), twenty-seven, (nine) (one), twenty-seven (seventeen) (three), twenty-nine (three) (five), thirty (three) (seven), thirty (seven) (four), thirty (twenty-three) (five) thirty-one-a (two) (four), thirty-one-a (four) (twenty-six), thirty-two (four) (four hundred two), thirty-two (four) (four hundred twelve), thirty-three (two) (ten) and thirty-three (twenty) (fifteen), all to read as follows:

**ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
LEGISLATIVE RULES.**

§64-2-5(16) (18). Public employees insurance board.

1 The legislative rules filed in the state register on the
2 sixteenth day of May, one thousand nine hundred eighty-
3 three, relating to the public employees insurance board
4 (public employees insurance plan) are authorized with the
5 amendments set forth below:

6 §2.01(b) shall read as follows:

7 (b) "Children" shall mean unmarried children between
8 birth and age nineteen and shall include: (1) The employee's
9 natural children, (2) legally adopted children, including
10 children living with the employee during the period of
11 probation, (3) step-children residing in the employee's
12 household and (4) other children fully dependent upon the
13 employee for support and maintenance and residing in the
14 household of which the employee is head and actually being
15 supported by the employee. Children may be included after
16 the attainment of age nineteen, but not beyond the
17 attainment of age twenty-five, if they are enrolled as full-
18 time students, are unmarried and are fully dependent upon
19 the employee for support. Children may also be included
20 after the attainment of age nineteen while incapable of
21 self-support because of a mental illness, mental retardation
22 or a physical disability, if the child was dependent upon the
23 employee for support and maintenance at the onset of the
24 mental illness, mental retardation or physical disability.

25 §6.03.—In the second sentence delete the words
26 "Executive Secretary" and insert the word "Board."

27 On page 11, insert a new section as follows:

28 "§5.07.—Coverage for dependents shall terminate at the
29 end of the month in which they no longer meet the definition
30 of 'dependent' set forth in section 2.01 of these rules."

§64-2-11(1a) (11). State tax commissioner.

1 The legislative rules filed in the state register on the fifth
2 day of January, one thousand nine hundred eighty-four,
3 relating to the state tax commissioner (appraisal of
4 property for periodic statewide reappraisals for ad valorem
5 property tax purposes), are authorized with the
6 amendments set forth below:

7 Page 8, §11.04(b) (2), definition of "Active Mining
8 Property," at the end of the first paragraph following the
9 "period," by adding the following: "In the application of
10 the herein provided valuation formula on 'active mining
11 property,' the appropriate formula calculation will be
12 based upon the actual market to which the coal from that
13 tract and seam is currently being sold, whether it is
14 'metallurgical' or 'steam'."

15 Page 9, §11.04(b) (3), definition of "Active Reserves," at
16 the end of the subsection, following the "period," by adding
17 the following: "In the application of the herein provided
18 valuation formula on 'active reserves,' the appropriate
19 formula calculation will be based upon the actual market to
20 which the coal from that tract and seam is currently being
21 sold, whether it is 'metallurgical' or 'steam'."

22 Page 11, section 11.04 (b) (11), definition of "Mineable
23 Coal," by striking the subsection and substituting in lieu
24 thereof the following: "(11) *Mineable Coal*. Coal which can
25 be mined under present day mining technology and
26 economics."

27 Page 25, section 11.04 (c) (2) (C), entitled "Property Tax
28 Component," by striking the subsection and inserting in
29 lieu thereof the following: "(C) *Property Tax*
30 *Component*—This component will be derived by
31 multiplying the assessment rate by the statewide average of
32 tax rates on Class III property."

33 Page 30, §11.04(c) (4), entitled "Valuation of Mined-Out/
34 Unmineable/Barren Coal Properties," by striking the
35 numbers "\$5.00" and inserting in lieu thereof the following:
36 "\$1.00".

37 Page 31, section 11.04 (c) (5) (B), by striking the words and
38 numbers "Five Dollars (\$5.00)" and inserting in lieu thereof
39 the following: "One Dollar (\$1.00)".

40 Page 53, section 11.05 (h) by striking the symbol and
41 figures "\$5.00" and inserting in lieu the following: "\$1.00."

42 Page 73, section 11.06 (h) by striking the symbol and
43 figures "\$5.00" and inserting in lieu the following: "\$1.00."

44 Page 81, section 11.07 (e) (15) (B) (4) at the end of the
45 second sentence remove the period after the word
46 "property" and insert the words "unless the land is used for
47 some other purpose in which case it will be taxed according
48 to its actual use."

49 Page 86, section 11.07 (k) Delete all of subsection (k).
50 Page 110, section 11.08 (c) (4) by striking the symbol and
51 figures "\$5.00" and inserting in lieu thereof the following:
52 "\$1.00."
53 Page 111, section 11.08 (c) (5) (B) by striking the symbol
54 and figures "\$5.00" and inserting in lieu thereof the
55 following: "\$1.00."
56 Page 115, §11.09 (a) (3) in the first sentence, insert after
57 the word "land" the words, "excluding farm land."

§64-2-12 (1) (2). State board of investments.

1 The legislative rules filed in the state register on the third
2 day of January, one thousand nine hundred eighty-four,
3 relating to the state board of investments (selection of state
4 depositories for disbursement accounts through
5 competitive bidding) are authorized.

§64-2-12 (2) (2). State treasurer.

1 The legislative rules filed in the state register on the third
2 day of January, one thousand nine hundred eighty-four,
3 relating to the state treasurer (establishment of imprest
4 funds) are authorized.

§64-2-12 (6) (5). State board of investments.

1 The legislative rule filed in the state register on the third
2 day of January, one thousand nine hundred eighty-four,
3 relating to the state board of investments (administration of
4 the consolidated fund) are authorized.

§64-2-15 (2) (25). Department of public safety.

1 The legislative rules filed in the state register on the
2 twenty-third day of September, one thousand nine hundred
3 eighty-three, relating to the department of public safety
4 (general orders) are authorized with the amendment set
5 forth below:

6 Page 23, §9.10 remove the period at the end of the
7 sentence and add the words "or municipalities."

§64-2-16 (1) (7). State board of health.

1 (a) The legislative rules filed in the state register on the
2 second day of June, one thousand nine hundred eighty-two,
3 relating to the state board of health (waste water treatment

4 works operations) are authorized.

5 (b) The legislative rules filed in the state register on the
6 second day of June, one thousand nine hundred eighty-two,
7 relating to the state board of health (laboratory reporting of
8 syphilis and gonorrhea) are authorized.

9 (c) The legislative rules filed in the state register on the
10 second day of June, one thousand nine hundred eighty-two,
11 relating to the state board of health (public water supply
12 operators) with the modification of §11.02 as presented to
13 the legislative rule-making review committee on the ninth
14 day of November, one thousand nine hundred eighty-two,
15 are authorized.

16 (d) The legislative rules filed in the state register on the
17 twenty-second day of October, one thousand nine hundred
18 eighty-two, relating to the state board of health (sewage
19 systems) with the modification presented to the legislative
20 rule-making review committee on the sixth day of
21 December, one thousand nine hundred eighty-two, are
22 authorized except lines ten through seventeen, page eight of
23 the rules shall be stricken in their entirety and the
24 remaining paragraphs renumbered. These rules were
25 proposed by the state board of health pursuant to sections
26 seven and nine, article one, chapter sixteen of this code.

27 (e) The legislative rules filed in the state register on the
28 second day of June, one thousand nine hundred eighty-two,
29 relating to the state board of health (approval of
30 laboratories) are authorized. These rules were proposed by
31 the state board of health pursuant to section one, article
32 seven, chapter sixteen and section six-a, article one,
33 chapter forty-eight of this code.

34 (f) The legislative rules filed in the state register on the
35 thirteenth day of August, one thousand nine hundred
36 eighty-two, and filed with amendments on the eleventh day
37 of January, one thousand nine hundred eighty-three,
38 relating to the state board of health (nursing home
39 licensure) are authorized with the amendment of §5.15.02 of
40 those rules as set forth below:

41 By striking the word "and" at the end of subdivision (f),
42 by changing the period at the end of subdivision (g) to a
43 semicolon, and by adding the following after subdivision
44 (g): "(h) one (1) member who represents social work
45 services."

46 These rules were proposed by the state board of health
47 pursuant to section seven, article one, chapter sixteen and
48 section three, article five-c, chapter sixteen of this code.

49 (g) The legislative rules filed in the state register on the
50 nineteenth day of December, one thousand nine hundred
51 eighty-three, relating to the state board of health (trauma
52 center or facility designation) are authorized with the
53 modifications set forth below:

54 In §§3.1, 3.2, 3.4, 3.6 and 3.10 delete the words "and as
55 may be modified by the West Virginia Categorization
56 Committee."

57 (h) The legislative rules filed in the state register on the
58 seventh day of September, one thousand nine hundred
59 eighty-three, relating to the state board of health (well
60 water regulations) are authorized with the amendments set
61 forth below:

62 §4.1. In the first sentence delete the word "obtaining"
63 and insert in lieu thereof the words "applying for." In the
64 second sentence after "4.3" add "and 4.5."

65 §4.2. At the end of the second sentence, strike the period
66 and add the words "unless emergency conditions prevail as
67 noted under section 4.3."

68 With the balance of §4.2, and create a new §4.3 with the
69 following changes: In the first sentence delete the word
70 "deadline" and insert in lieu thereof the word
71 "requirements." Add after the first sentence the sentence,
72 "Emergency conditions and unavoidable circumstances are
73 those conditions involving acts of God, water outages or
74 disruption of water service, unsatisfactory water quality or
75 quantity or public health threats." In the third sentence
76 delete the word "exceed" and insert in lieu thereof the
77 words "be made in excess of."

78 Renumber §4.3 as §4.4 and add the following two
79 sentences at the end of the section: "Such standards shall
80 constitute the minimum standards for the installation, the
81 alteration or the deepening of water wells. Any plans
82 approved by the Director pursuant to these regulations
83 shall be in substantial compliance with the heretofore
84 mentioned standards."

85 Renumber §4.4 as §4.5, §4.5 as §4.6, §4.6 as §4.7, §4.7 as
86 §4.8 and §4.8 as §4.9.

87 §5.2. Delete the words "four (4)" and insert in lieu
88 thereof the words "two (2)" and delete the words "active,
89 continuous."

90 (i) The legislative rules filed in the state register on the
91 nineteenth day of December, one thousand nine hundred
92 eighty-three, relating to the state board of health
93 (procedures for recovery of corneal tissue for transplant)
94 are authorized.

§64-2-16 (2e) (3). State board of health.

1 The legislative rules filed in the state register on the
2 nineteenth day of December, one thousand nine hundred
3 eighty-three, relating to the state board of health (birthing
4 center licensure) are authorized.

§64-2-16 (20) (5). Air pollution control commission.

1 (a) The legislative rules filed in the state register on the
2 thirteenth day of August, one thousand nine hundred
3 eighty-two, relating to the air pollution control commission
4 (series VII), are authorized.

5 (b) The legislative rules filed in the state register on the
6 thirteenth day of August, one thousand nine hundred
7 eighty-two, relating to air pollution control commission
8 (series XIX), are authorized.

9 (c) The legislative rules filed in the state register on the
10 ninth day of January, one thousand nine hundred eighty-
11 four, relating to the air pollution control commission
12 (permits for construction and modification of stationary
13 sources of air pollution for the prevention of significant
14 deterioration) (series XIV) are authorized.

15 (d) The legislative rules filed in the state register on the
16 sixteenth day of November, one thousand nine hundred
17 eighty-three, relating to the air pollution control
18 commission (emission standards for hazardous air
19 pollutants) (series XV) are authorized.

20 (e) The legislative rules filed in the state register on the
21 sixteenth day of November, one thousand nine hundred
22 eighty-three, relating to the air pollution control
23 commission (standards of performance for new stationary
24 sources) (series XVI) are authorized.

25 (f) The legislative rules authorized by the Legislature in
26 section twenty (five-e) (six) of this article (to prevent and
27 control air pollution from hazardous waste treatment,
28 storage or disposal facilities) (series XXV) were also
29 proposed by the air pollution control commission pursuant
30 to section five, article twenty, chapter sixteen of this code.

§64-2-16 (29b) (8). Health care cost review authority.

1 (a) The legislative rules filed in the state register on the
2 twenty-first day of October, one thousand nine hundred
3 eighty-three, relating to the health care cost review
4 authority (limitation on hospital gross patient revenue) are
5 authorized.

6 (b) The legislative rules filed in the state register on the
7 nineteenth day of December, one thousand nine hundred
8 eighty-three, relating to the health care cost review
9 authority (freeze on hospital rates and granting temporary
10 rate increases) are authorized.

§64-2-17c (5a) (2). Commissioner of motor vehicles.

1 The legislative rules filed in the state register on the ninth
2 day of November, one thousand nine hundred eighty-three,
3 relating to the commissioner of motor vehicles (driving
4 under the influence, drivers' license revocation
5 administrative hearings) are authorized.

§64-2-17c (5a) (3). Department of motor vehicles.

1 The legislative rules filed in the state register on the
2 fifteenth day of December, one thousand nine hundred
3 eighty-three, relating to the department of motor vehicles
4 (safety and treatment program) are authorized.

§64-2-17d (2a) (8). Commissioner of motor vehicles.

1 The legislative rules filed in the state register on the
2 sixteenth day of June, one thousand nine hundred eighty-
3 three, relating to the commissioner of motor vehicles
4 (compulsory insurance) are authorized.

§64-2-19 (2) (5). Commissioner of agriculture.

1 The legislative rules filed in the state register on the sixth
2 day of April, one thousand nine hundred eighty-three,
3 relating to the commissioner of agriculture (schedule of
4 charges for inspection services: fruit) are authorized.

§64-2-19 (2c) (5). Commissioner of agriculture.

1 The legislative rules filed in the state register on the third
2 day of August, one thousand nine hundred eighty-three,
3 relating to the commissioner of agriculture (licensing of
4 auctioneers) are authorized.

§64-2-19 (23) (6). West Virginia racing commission.

1 (a) The legislative rules filed in the state register on the
2 twenty-third day of April, one thousand nine hundred
3 eighty-two, relating to the West Virginia racing commission
4 (Rule 795), are authorized.

5 (b) The legislative rules filed in the state register on the
6 twenty-third day of April, one thousand nine hundred
7 eighty-two, relating to the West Virginia racing commission
8 (Rule 107), are authorized.

9 (c) The legislative rules filed with the legislative rule-
10 making review committee on the tenth day of January, one
11 thousand nine hundred eighty-three, relating to the West
12 Virginia racing commission (Rule 471), are authorized.

13 (d) The legislative rules filed in the state register on the
14 tenth day of January, one thousand nine hundred eighty-
15 three, relating to the West Virginia racing commission (Rule
16 526), are authorized.

17 (e) The legislative rules filed in the state register on the
18 twenty-third day of April, one thousand nine hundred
19 eighty-two, relating to the West Virginia racing commission
20 (Rule 819), are authorized.

21 (f) The legislative rules filed in the state register on the
22 twentieth day of September, one thousand nine hundred
23 eighty-three, relating to the West Virginia racing
24 commission (Rule 107) greyhound racing, are authorized.

25 (g) The legislative rules filed in the state register on the
26 twentieth day of September, one thousand nine hundred
27 eighty-three, relating to the West Virginia racing
28 commission (Rule 108) greyhound racing are authorized
29 with the amendment set forth below:

30 Following the word "Association" insert a period and
31 strike the remainder of the sentence.

32 (h) The legislative rules filed in the state register on the
33 twentieth day of September, one thousand nine hundred
34 eighty-three, relating to the West Virginia racing
35 commission (Rule 108) thoroughbred racing are authorized
36 with the amendment set forth below:

37 Following the word "Association" insert a period and
38 strike the remainder of the sentence.

39 (i) The legislative rules filed in the state register on the
40 twentieth day of September, one thousand nine hundred
41 eighty-three, relating to the West Virginia racing

42 commission (Rule 392) greyhound racing, are authorized.

43 (j) The legislative rules filed in the state register on the
44 twentieth day of September, one thousand nine hundred
45 eighty-three, relating to the West Virginia racing
46 commission (Rule 455) greyhound racing are authorized.

47 (k) The legislative rules filed in the state register on the
48 twentieth day of September, one thousand nine hundred
49 eighty-three, relating to the West Virginia racing
50 commission (Rule 609A) greyhound racing are authorized.

51 (l) The legislative rules filed in the state register on the
52 twentieth day of September, one thousand nine hundred
53 eighty-three, relating to the West Virginia racing
54 commission (Rule 627) greyhound racing are authorized.

55 (m) The legislative rules filed in the state register on the
56 twentieth day of September, one thousand nine hundred
57 eighty-three, relating to the West Virginia racing
58 commission (Rule 845) thoroughbred racing are authorized.

§64-2-20 (5a) (3). Water resources board.

1 (a) The legislative rules filed in the state register on the
2 sixth day of January, one thousand nine hundred eighty-
3 three, relating to the state water resources board
4 (underground injection control program), are authorized.

5 (b) The legislative rules filed in the state register on the
6 fifteenth day of November, one thousand nine hundred
7 eighty-three, relating to the state water resources board
8 (special regulations) are authorized.

9 (c) The legislative rules filed in the state register on the
10 third day of August, one thousand nine hundred eighty-
11 three, relating to the state water resources board
12 (groundwater protection standards) are authorized.

13 (d) The legislative rules filed in the state register on the
14 fifteenth day of November, one thousand nine hundred
15 eighty-three, relating to the state water resources board
16 (state national pollutant discharge elimination system
17 (NPDES) program), are authorized.

18 (e) The Legislature hereby authorizes and directs the
19 water resources board to promulgate rules relating to water
20 quality standards in exact conformity with the rules
21 relating to water quality standards tendered to the
22 secretary of state on the seventh day of March, one thousand
23 nine hundred eighty-four by the executive secretary of the

24 state water resources board, to be received and filed for
25 inclusion in the state register by the secretary of state.

§64-2-20 (5e) (6). Department of natural resources.

1 (a) The legislative rule filed in the state register on the
2 sixth day of January, one thousand nine hundred eighty-
3 four, relating to the department of natural resources
4 (hazardous waste management) are authorized.

5 (b) The legislative rules filed in the state register on the
6 sixth day of January, one thousand nine hundred eighty-
7 four, relating to the air pollution control commission (to
8 prevent and control air pollution from hazardous waste
9 treatment, storage or disposal facilities) (series XXV) are
10 authorized with the amendments set forth below:

11 Page 3, §1.06, change the section title from
12 "Enforcement" to "Procedure"; place an "(a)" in front of
13 the existing paragraph and add the following:

14 "(b) Permit applications filed pursuant to this regulation
15 shall be processed in accordance with the permitting
16 procedures as set forth in Code §20-5E and this regulation.
17 Permit procedures set forth in Code §16-20 and any other
18 regulation of this commission are not applicable to any
19 permit application filed pursuant to this regulation."

20 Page 91, §19.04, delete the second paragraph in its
21 entirety.

22 Such rules shall also include a section which shall read as
23 follows:

24 "The commission shall report to the legislative rule-
25 making review committee as required by that committee,
26 but in no event later than the first day of the regular session
27 of the Legislature in the year one thousand nine hundred
28 eighty-five. Such report shall include information
29 regarding the commission's data gathering efforts, the
30 development of compliance programs, the progress in
31 implementation, and such other matters as the committee
32 may require, pertaining to the regulations hereby
33 authorized."

§64-2-20 (5e) (7). Commissioner of highways.

1 The legislative rules filed in the state register on the
2 twenty-first day of October, one thousand nine hundred
3 eighty-three, relating to the commissioner of highways

4 (transportation of hazardous waste by highway
5 transporters) are authorized with the amendments set forth
6 below:

7 Pages 3 and 7 after "40CFR part 262" add the words "as
8 amended through February 20, 1984,"

9 Page 7 after "49CFR parts 171-179" add the words "as
10 amended through February 20, 1984,"and

11 Page 11 after "49CFR 171.16" add the words "as amended
12 through February 20, 1984,".

§64-2-20 (5f) (4). Department of natural resources.

1 The legislative rules filed in the state register on the
2 twentieth day of January, one thousand nine hundred
3 eighty-four, relating to the department of natural resources
4 (solid waste management) are authorized with the
5 amendments set forth below:

6 Page 9, section 4.04, line five, add the following
7 paragraphs:

8 "Upon request of any applicant, the division shall meet
9 with the applicant for pre-filing review of the application.
10 The division, with the cooperation of the solid waste
11 authority, shall assist the applicant in preparing a complete
12 and proper application which would not be rejected as
13 incomplete."

14 On page 15, section 6.03 (c) (1) in the first full sentence,
15 after the word "cease", strike the remainder of the sentence
16 and insert in lieu thereof the words "within fifteen (15) days
17 of receipt of an order of suspension" and in the second
18 sentence strike the word "recommence" and insert the
19 words "continue beyond fifteen (15) days"; (c) (2) in the first
20 full sentence, after the word "cease" by striking out the
21 remainder of the sentence and insert in lieu thereof the
22 words "immediately upon receipt of an order of
23 revocation".

§64-2-20 (6) (2). Department of natural resources.

1 The legislative rules filed in the state register on the
2 eighth day of December, one thousand nine hundred eighty-
3 three, relating to the department of natural resources
4 (surface mining) are authorized with the amendments set
5 forth below:

6 Page 3-4, section 3E.01 by adding after the word

7 “engineer” the words “or licensed land surveyor”.

8 Page 3-5, section 3E.02, subsection (a), by adding after
9 the word “mining” the words “or civil”.

10 Page 3-5, section 3E.02, subsection (b) by adding after the
11 first sentence the following sentence — “Those persons who
12 have been approved to date need not make said
13 demonstration”.

§64-2-20 (6) (38). Department of mines.

1 The legislative rules filed in the state register on the
2 seventeenth day of August, one thousand nine hundred
3 eighty-three, relating to the department of mines
4 (governing the safety of those employed in and around
5 surface mines), are authorized.

§64-2-21 (3) (18). Department of labor.

1 The legislative rules filed in the state register on the
2 seventh day of December, one thousand nine hundred
3 eighty-three, relating to the department of labor
4 (hazardous chemical substances) are authorized.

§64-2-22 (4) (13). Office of oil and gas, department of mines.

1 The legislative rules filed in the state register on the
2 seventh day of December, one thousand nine hundred
3 eighty-three, relating to the office of oil and gas,
4 department of mines (oil and gas and other wells) are
5 authorized with the amendments set forth below:

6 Page viii, place an * in front of §32.02.

7 Page ix, after §35.04 add the following:

8 “*35.05 Extra Powers of the Administrator 64”.

9 Page 1, §1.03 in the list of additional regulations, add
10 35.05; in the list of revised regulations, add 32.02, 32.03 and
11 33.00.

12 Page 52 §32.04 and §32.05 add at the end of (ii) the words
13 “and (iii) definition of proration unit”.

14 Page 53 §33 After the word “definitions” add the
15 following sentence: “The following definitions are
16 applicable to these regulations used for purposes of
17 implementing the Natural Gas Policy Act of 1978 and are
18 not intended to be used in any other context”.

19 Page 55, §33.02 (b) (16) after the word “formations” in the
20 third lines of (i) and (ii), add the words “for which a well has
21 been”.

22 Page 64, after §35.04 add the following section:

23 35.05 Extra powers of the Administrator.

24 "The administrator may also certify or provide a waiver
25 for a well located within a proration unit as defined in 32.02
26 (b) (16) or any other well sought to be certified under these
27 regulations after notice and hearing".

§64-2-23 (4c) (3). Workers' compensation commissioner.

1 The legislative rule filed in the state register on the
2 fourteenth day of November, one thousand nine hundred
3 eighty-three, relating to the workers' compensation
4 commissioner (employers' excess liability fund) are
5 authorized.

§64-2-27 (9) (1). State board of health.

1 The legislative rules filed in the state register on the
2 fourteenth day of November, one thousand nine hundred
3 eighty-three, relating to the state board of health (licensure
4 of behavioral health centers) are authorized with the
5 amendments set forth below:

6 Page 45 §12.8.2. In the first sentence delete the words
7 "without delay" and insert in lieu thereof the words "within
8 twenty-four hours after receiving a report of a complaint."

§64-2-27 (17) (3). State board of health.

1 The legislative rules authorized by the Legislature in
2 section twenty-seven (nine) (one) of this article were also
3 proposed by the state board of health pursuant to section
4 three, article seventeen, chapter twenty-seven of this code.

§64-2-29 (3) (5). State fire commission.

1 The legislative rules filed in the state register on the third
2 day of January, one thousand nine hundred eighty-four,
3 relating to the state fire commission (state fire code) are
4 authorized with the amendments set forth below:

5 Page 1, §106, line 1, after the word "to" add the words
6 "personal care homes caring for five or less patients or";
7 and

8 Page 26, §11.06 (3) A. (3). Strike the period at the end
9 of the sentence and add the words "except for existing
10 sleeping rooms owned by the state and located in
11 dormitories or state parks."

§64-2-30 (3) (7). Board of medicine.

1 The legislative rules filed in the state register on the
2 twelfth day of May, one thousand nine hundred eighty-
3 three, relating to the board of medicine (licensing,
4 disciplinary and complaint procedures; podiatry; physician
5 assistants) are authorized with the modifications set forth
6 below:

7 §24.12.

8 (b) It shall be the responsibility of the supervising
9 physician to obtain consent in writing from the patient
10 before Type "A" physician assistants employed in a satellite
11 clinic may render general medical or surgical services,
12 except in emergencies.

13 §24.16.

14 (p) No physician assistant shall render non-emergency
15 outpatient medical services until the patient has been
16 informed that the individual providing care is a physician
17 assistant.

§64-2-30 (7) (4). Board of examiners for registered professional nurses.

1 The legislative rules filed in the state register on the
2 thirteenth day of September, one thousand nine hundred
3 eighty-three, relating to the board of examiners for
4 registered professional nurses (qualifications of graduates
5 of foreign nursing schools for admission to the professional
6 nurse licensing examination) are authorized.

§64-2-30 (23) (5). Radiologic technology board of examiners.

1 The legislative rules filed in the state register on the
2 twenty-fourth day of January, one thousand nine hundred
3 eighty-four, relating to the radiologic technology board of
4 examiners are authorized.

§64-2-31a (2) (4). Commissioner of banking.

1 The legislative rules filed in the state register on the
2 fifteenth day of December, one thousand nine hundred
3 eighty-three, relating to the commissioner of banking
4 (consumer credit sales), are authorized.

§64-2-31a (4) (26). Commissioner of banking.

1 The legislative rules filed in the state register on the

2 nineteenth day of August, one thousand nine hundred
3 eighty-three, relating to the commissioner of banking (legal
4 lending limit) are authorized.

§64-2-32 (4) (402). State auditor, securities commissioner.

1 The legislative rules filed in the state register on the
2 twenty-first day of December, one thousand nine hundred
3 eighty-three, relating to the state auditor, securities
4 commissioner (broker-dealers, agents and investment and
5 advisors) are authorized with the amendments set forth
6 below:

7 §14.06 Delete the words "as subsequently amended"
8 and reinsert the words "as amended March 30, 1982".

9 §14.07 Place a period after "1976" and delete the words
10 "as subsequently amended".

§64-2-32 (4) (412). State auditor, securities commissioner.

1 The legislative rules authorized by the Legislature in
2 section thirty-two (four) (four hundred two) of this article
3 were also proposed by the state auditor, securities
4 commissioner pursuant to section four hundred twelve,
5 article four, chapter thirty-two of this code.

§64-2-33 (2) (10). Insurance commissioner.

1 The legislative rules filed in the state register on the
2 eighteenth day of October, one thousand nine hundred
3 eighty-three, relating to the insurance commissioner
4 (excess line brokers), are authorized.

§64-2-33 (20) (15). Board of risk and insurance managment.

1 The legislative rules filed in the state register on the
2 twenty-first day of October, one thousand nine hundred
3 eighty-three, relating to the board of risk and insurance
4 management (mine subsidence) are authorized.

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



Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

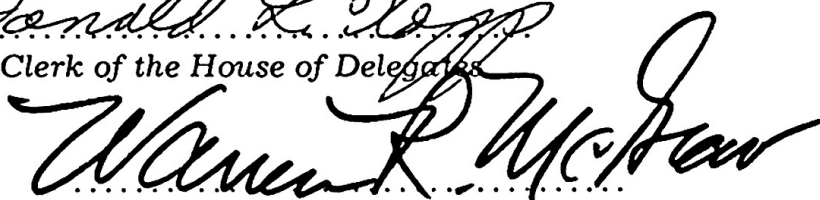
In effect from passage.



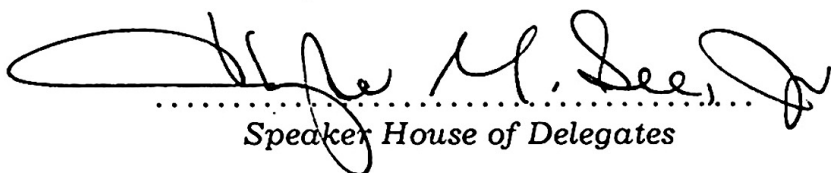
Clerk of the Senate



Clerk of the House of Delegates

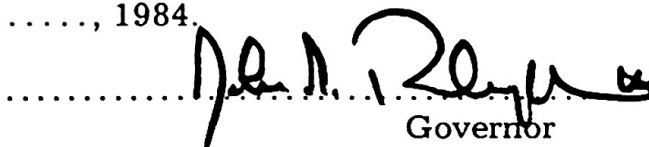


President of the Senate



Speaker House of Delegates

The within.... *is approved* this the *30*
day of *March*, 1984.



Governor

RECEIVED

84 APR 4 PM 12: 05

OFFICE
SEC. OF STATE