

No: 397

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 397

(By Senator TUCKER)



PASSED MARCH 12, 1988

In Effect from Passage



ENROLLED
Senate Bill No. 397

(BY SENATOR TUCKER)

[Passed March 12, 1988; in effect from passage.]

AN ACT to amend and reenact sections eleven (ten) (five), sixteen (two-d) (eight), seventeen (two-a) (eight), seventeen (four) (nineteen), seventeen-a (two) (nine), nineteen (two) (five), nineteen (nine) (two), nineteen (twenty-three) (six), twenty (one) (seven), twenty (five-a) (three), twenty (five-e) (six), twenty (five-e) (seven), twenty (five-f) (four), twenty-one (three) (seven), twenty-two (nine) (six), twenty-nine-a (two) (six), thirty (three) (seven), thirty (thirteen) (five), thirty-three (two) (ten), 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 by adding thereto twenty-five new sections, designated sections five-b (one) (thirteen-a), sixteen (two-d) (four), sixteen (three) (four), sixteen (four-c) (twenty-two), sixteen (thirty-one) (eight), nineteen (two) (ten), twenty (two) (twenty-three), twenty (seven) (twenty-two), twenty-one (three-a) (seven), twenty-one (five) (thirteen), twenty-one (five) (fourteen), twenty-two (one) (fifteen), twenty-two-a (three) (four), twenty-nine (twenty-two) (five), twenty-nine-a (two) (seven), twenty-nine-b (one) (three), thirty (thirteen-a) (four), thirty (sixteen) (four), thirty-one (twenty) (nine), thirty-three (twenty-a) (three), thirty-three (twenty-b) (six), forty-seven (one) (nineteen), forty-seven (fourteen) (five), forty-eight-a (two) (seven) and forty-eight-a (two) (eight),

all relating generally to the promulgation of administrative rules and regulations by the various executive or administrative agencies and the procedures relating thereto; the legislative mandate or authorization for the promulgation of certain legislative and procedural rules by various executive and administrative agencies of the state; authorizing certain of such agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of such agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of such agencies to promulgate certain legislative and procedural rules with various modifications presented to and recommended by the legislative rule-making review committee; directing certain of such agencies to promulgate certain legislative rules filed in the office of the secretary of state during the regular session of the Legislature held in the year one thousand nine hundred eighty-eight; authorizing the commissioner of commerce to promulgate certain legislative rules relating to the public use of West Virginia state parks, forests and hunting and fishing areas, as modified with certain amendments thereto; authorizing the state tax commissioner to promulgate certain legislative rules relating to the telecommunications tax, as modified; authorizing the state tax commissioner to promulgate certain legislative rules relating to the business franchise tax; authorizing the state tax commissioner to promulgate certain legislative rules relating to consumers sales and service and use tax, as modified; authorizing the state tax commissioner to promulgate certain legislative rules relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes, as modified; authorizing the state tax commissioner to promulgate certain legislative rules relating to the severance tax, as modified; authorizing the West Virginia health care cost review authority to promulgate certain legislative rules relating to exemptions from certificate of need review, as modified; authorizing the director of the department of health to promulgate certain legislative rules relating to immunization criteria for transfer students; authorizing the director of the department of health to promulgate certain legislative rules relating to trauma center or facility designation; authorizing the director of the department of

health to promulgate certain legislative rules governing hazardous substances with certain amendments thereto; authorizing the commissioner of highways to promulgate certain legislative rules relating to traffic and safety rules and regulations, as modified, and with certain amendments thereto; authorizing the commissioner of highways to promulgate certain legislative rules relating to construction and reconstruction of state roads; authorizing the commissioner of motor vehicles to promulgate certain legislative rules relating to denial, suspension, revocation or renewal of driving privileges, as modified, and with certain amendments thereto; authorizing the commissioner of agriculture to promulgate certain legislative rules relating to a schedule of charges for inspection services: fruit; authorizing the commissioner of agriculture to promulgate certain legislative rules relating to animal disease control, as modified; authorizing the West Virginia racing commission to promulgate certain legislative rules governing greyhound racing, as modified; authorizing the West Virginia racing commission to promulgate certain legislative rules governing thoroughbred racing, as modified, and with certain amendments thereto; authorizing the department of natural resources to promulgate certain legislative rules relating to WV/NPDES regulations for coal mining facilities; authorizing the director of the department of natural resources to promulgate certain legislative rules governing outfitters and guides with certain amendments thereto; authorizing the water resources board to promulgate certain legislative rules governing water quality standards; authorizing the department of natural resources to promulgate certain legislative rules relating to hazardous waste management; authorizing the commissioner of highways to promulgate certain legislative rules relating to transportation of hazardous wastes upon the roads and highways, as modified; authorizing the department of natural resources to promulgate certain legislative rules relating to solid waste management, as modified; authorizing the director of natural resources to promulgate certain legislative rules relating to boating regulations, as modified, and with certain amendments thereto; authorizing the commissioner of labor to promulgate certain legislative rules relating to a steam boiler inspection fee

schedule; authorizing the commissioner of labor to promulgate certain legislative rules relating to the West Virginia occupational safety and health act, adoption of federal standards; authorizing the commissioner of labor to promulgate certain legislative rules relating to the wage payment and collection act, as modified; authorizing the commissioner of the department of energy to promulgate certain legislative rules governing roof control; authorizing the commissioner of the department of energy to promulgate certain legislative rules relating to blasters certification for surface coal mines and surface areas of underground coal mines, as modified; authorizing the commissioner of the department of energy to promulgate certain legislative rules governing performance standards for blasting on surface mines; authorizing the state lottery commission to promulgate certain legislative rules governing the state lottery, as modified; authorizing the secretary of state to promulgate certain legislative rules relating to standard size and format for rules and procedures for publication of the state register or parts of the state register, as modified; authorizing and directing the department of energy to promulgate certain procedural rules governing requests for information, with certain amendments thereto; authorizing the board of medicine to promulgate certain legislative rules governing fees for services rendered by the board of medicine; authorizing the West Virginia state board of registration for professional engineers to promulgate certain legislative rules relating to the West Virginia state board of registration for professional engineers, as modified; authorizing the West Virginia board of chiropractic examiners to promulgate legislative rules governing the West Virginia board of chiropractic examiners, as modified; authorizing the state board of examiners of land surveyors to promulgate certain legislative rules governing the practice of land surveying in West Virginia, as modified; authorizing the jail and prison standards commission to promulgate legislative rules relating to West Virginia minimum standards for construction, operation and maintenance of jails; authorizing the insurance commissioner to promulgate certain legislative rules relating to the West Virginia essential property insurance association; authorizing the insurance commissioner to promulgate certain legislative

rules relating to medical malpractice annual reporting requirements; authorizing the insurance commissioner to promulgate certain legislative rules relating to medical malpractice loss experience and loss expense reporting requirements, as modified; authorizing the commissioner of the department of labor to promulgate certain legislative rules governing standards for weights and measures inspectors—adoption of NBS Handbook 130, 1987; authorizing the attorney general to promulgate certain legislative rules relating to the administration of preneed burial contracts, as modified, and with amendments thereto; and authorizing and directing the director of the child advocate office of the department of human services to promulgate certain legislative rules relating to guidelines for child support awards.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 64. LEGISLATIVE RULES.**ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.****§64-2-5b(1)(13a). Commissioner of commerce.**

1 The legislative rules filed in the state register on the
2 eighteenth day of February, one thousand nine hundred
3 eighty-seven, modified by the commissioner of commerce to
4 meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the ninth day
6 of October, one thousand nine hundred eighty-seven,
7 relating to the commissioner of commerce (public use of
8 West Virginia state parks, forests, and hunting and fishing
9 areas) are authorized with the amendments as set forth
10 below:

11 On page 1, section 2.1 after the words "fishing area." add
12 "This rule does not apply to the erection of temporary
13 blinds or tree stands in public hunting areas."

14 And, on page 3, section 2.12 after the word "guests" by
15 adding "licensed hunters and fishermen while hunting or
16 fishing".

17 And, on page 5, section 2.22 by adding at the end of the
18 section the following sentence:

19 "Any person may apply to the Superintendent of the park
20 for a special event permit and pay an application fee for use
21 of fire arms during historical reenactments, or the use of
22 hay, straw, boughs, pine needles or similar materials for
23 special events. The Park Superintendent may issue a permit
24 to limit areas of use of any of these exceptions and require
25 damage assessments, if necessary."

26 On page 8, section 4.5 by deleting the word "water" and
27 inserting in lieu thereof the word "swimming pool" and on
28 page 9, section 4.5 after the word "water." add the following
29 "These restrictions do not apply to swimming areas which
30 are natural bodies of water."

§64-2-11(10)(5). State tax commissioner.

1 (a) The legislative rules filed in the state register on the
2 twenty-eighth day of September, one thousand nine
3 hundred eighty-four, relating to the state tax commissioner
4 (estimated personal income tax), are authorized with the
5 amendments set forth below:

6 55.02(a)(2)(on page 182.2) line 18, after the word
7 “profession” strike the words “on his own account” and the
8 comma(,).

9 55.12(b)(1)(page 182.35) at the end of the section, change
10 the period to a comma, and add the following language:
11 “and in the case of a court appointed agent, a copy of the
12 court order of appointment is sufficient.”

13 55.12(c)(page 182.36) after the word “for,” strike the
14 word “erroneous.”

15 (b) The legislative rules filed in the state register on the
16 twenty-eighth day of September, one thousand nine
17 hundred eighty-four, modified by the state tax
18 commissioner to meet the objections of the legislative rule-
19 making review committee and refiled in the state register on
20 the fourteenth day of November, one thousand nine
21 hundred eighty-four, and on the twenty-first day of March,
22 one thousand nine hundred eighty-five, relating to the state
23 tax commissioner (estimated corporation net income tax),
24 are authorized.

25 (c) The legislative rules filed in the state register on the
26 fourth day of February, one thousand nine hundred eighty-
27 six, modified by the state tax commissioner to meet the
28 objection of the legislative rule-making review committee
29 and refiled in the state register on the fourteenth day of
30 January, one thousand nine hundred eighty-seven, relating
31 to the state tax commissioner (business and occupation
32 tax), are authorized.

33 (d) The legislative rules filed in the state register on the
34 fourteenth day of August, one thousand nine hundred
35 eighty-seven, modified by the state tax commissioner to
36 meet the objections of the legislative rule-making review
37 committee and refiled in the state register on the fourth day
38 of November, one thousand nine hundred eighty-seven,
39 relating to the state tax commissioner (telecommunications
40 tax) are authorized.

41 (e) The legislative rules filed in the state register on the
42 fourteenth day of August, one thousand nine hundred
43 eighty-seven, relating to the state tax commissioner
44 (business franchise tax) are authorized.

45 (f) The legislative rules filed in the state register on the
46 seventeenth day of August, one thousand nine hundred
47 eighty-seven, modified by the state tax commissioner to

48 meet the objections of the legislative rule-making review
49 committee and refiled in the state register on the twenty-
50 second day of January, one thousand nine hundred eighty-
51 eight, relating to the state tax commissioner (consumers
52 sales and service tax and use tax) are authorized.

53 (g) The legislative rules filed in the state register on the
54 fourteenth day of August, one thousand nine hundred
55 eighty-seven, modified by the state tax commissioner to
56 meet the objections of the legislative rule-making review
57 committee and refiled in the state register on the thirteenth
58 day of January, one thousand nine hundred eighty-eight,
59 relating to the state tax commissioner (appraisal of
60 property for periodic statewide reappraisals for ad valorem
61 property tax purposes) are authorized.

62 (h) The legislative rules filed in the state register on the
63 fourteenth day of August, one thousand nine hundred
64 eighty-seven, modified by the state tax commissioner to
65 meet the objections of the legislative rule-making review
66 committee and refiled in the state register on the twelfth
67 day of January, one thousand nine hundred eighty-eight,
68 relating to the state tax commissioner (severance tax) are
69 authorized.

§64-2-16(2d)(4). West Virginia health care cost review authority.

1 The legislative rules filed in the state register on the third
2 day of September, one thousand nine hundred eighty-
3 seven, modified by the West Virginia health care cost review
4 authority to meet the objections of the legislative rule-
5 making review committee and refiled in the state register on
6 the twenty-seventh day of January, one thousand nine
7 hundred eighty-eight, relating to the West Virginia health
8 care cost review authority (exemptions from certificate of
9 need review) are authorized. These rules were proposed by
10 the health care review authority pursuant to sections four
11 and eight, article two-d, chapter sixteen of this code.

§64-2-16(2d)(8). State board of health; West Virginia health care cost review authority.

1 (a) The rules authorized by the Legislature in
2 subsection (a), section sixteen (2d)(5) of this article were

3 also proposed by the state board of health pursuant to
4 section eight, article two-d, chapter sixteen of this code.

5 (b) The legislative rules filed in the state register on the
6 twenty-fifth day of November, one thousand nine hundred
7 eighty-five, modified by the West Virginia health care cost
8 review authority to meet the objections of the legislative
9 rule-making review committee and refiled in the state
10 register on the twenty-eighth day of January, one thousand
11 nine hundred eighty-six, relating to the West Virginia
12 health care cost review authority (interim standards for
13 lithotripsy services) are authorized.

14 (c) The legislative rules authorized by the Legislature in
15 section sixteen (two-d) (four) of this article were also
16 proposed by the West Virginia health care cost review
17 authority pursuant to section eight, article two-d, chapter
18 sixteen of this code.

§64-2-16(3)(4). Director of the department of health.

1 The legislative rules filed in the state register on the
2 eleventh day of September, one thousand nine hundred
3 eighty-seven, relating to the director of the department of
4 health (immunization criteria for transfer students) are
5 authorized.

§64-2-16(4c)(22). Director of the department of health.

1 The legislative rules filed in the state register on the
2 eighteenth day of November, one thousand nine hundred
3 eighty-seven, relating to the director of the department of
4 health (trauma center or facility designation) are
5 authorized.

§64-2-16(31)(8). Director of the department of health.

1 The legislative rules filed in the state register on the
2 sixteenth day of November, one thousand nine hundred
3 eighty-seven, relating to the director of the department of
4 health (hazardous substances) are authorized with the
5 amendment set forth below:

6 Page 33, section 8, line 8 (unnumbered) by adding at the
7 end of section 8 the following proviso: "*Provided*, That the
8 owner's or operator's submissions are based on the
9 threshold reporting requirements contained in section 5,
10 article 31, chapter 16."

§64-2-17(2a)(8). Commissioner of highways.

1 (a) The legislative rules filed in the state register on the
2 tenth day of August, one thousand nine hundred eighty-
3 four, relating to the commissioner of highways
4 (construction and reconstruction of state roads), are
5 authorized with the amendments set forth below:

6 Page 16, Sec. 8.08, line 21 (unnumbered), by inserting
7 after the word "all" the following language: "reasonable
8 and necessary" and after the word "project" inserting the
9 following language: "by the Railroad".

10 Page 16, Sec. 8.08, line 22, (unnumbered), after the word
11 "the" by striking the words "Railroad's Chief".

12 Page 19, Sec. 8.08, line 25, (unnumbered), by striking
13 "Railroad's Chief" and adding the following new language:

14 Any approval by the Department of any activity by the
15 Contractor upon the right-of-way or premises of any
16 Railroad which is provided for in this Section (8.08)
17 (including, but not limited to, approval of work, methods, or
18 procedures of work to be done, and the condition of
19 premises after completion of work by the Contractor) shall
20 in no way create any liability by the Department to the
21 Railroad except to the extent provided otherwise by law
22 and the Contractor shall, during all periods of construction
23 and thereafter, indemnify and save harmless the
24 department from any and all liability to the Railroad or any
25 third parties for any damages as a result of the work of the
26 Contractor, the methods and procedures for performing
27 work, the failure of the Contractor to properly remove
28 equipment, surplus material and other debris upon the
29 Railroad premises, or the condition of the premises of the
30 Railroad during construction or after completion of
31 construction by the Contractor as approved by the
32 Department or otherwise.

33 Page 18, Sec. 8.08, subdivision (a), line 22, (unnumbered),
34 by striking the words "single limit" and inserting in lieu
35 thereof the following language: "per occurrence".

36 Page 19, Sec. 8.08, subdivision (b), line 8, (unnumbered),
37 by striking the words "single limit" and inserting in lieu
38 thereof the following language: "per occurrence".

39 Page 19, Sec. 8.08 (c), line 18, (unnumbered), by inserting
40 after the word "occurrence" the following language: "of";

41 and after the word “injury” insert a comma and strike the
42 word “or”.

43 (b) The legislative rules filed in the state register on the
44 first day of December, one thousand nine hundred eighty-
45 seven, modified by the commissioner of highways to meet
46 the objections of the legislative rule-making review
47 committee and refiled in the state register on the fourteenth
48 day of January, one thousand nine hundred eighty-eight,
49 relating to the commissioner of highways (traffic and safety
50 rules and regulations) are authorized with the amendment
51 set forth below:

52 On page 8, section 7.2, line 9, (unnumbered), by striking
53 everything after the word “structures”.

54 (c) The legislative rules filed in the state register on the
55 first day of December, one thousand nine hundred eighty-
56 seven, relating to the commissioner of highways
57 (construction and reconstruction of state roads) are
58 authorized. These rules were proposed by the commissioner
59 of highways pursuant to section eight, article two-a and
60 section nineteen, article four, chapter seventeen of this
61 code.

§64-2-17(4)(19). Commissioner of highways.

1 (a) The legislative rules filed in the state register on the
2 fourteenth day of August, one thousand nine hundred
3 eighty-four, modified by the commissioner of highways to
4 meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the fifth day of
6 October, one thousand nine hundred eighty-four, relating
7 to the commissioner of highways (disqualification and
8 suspension of prequalified contractors) are authorized.

9 (b) The legislative rules authorized by the Legislature in
10 section seventeen (two-a) (eight) of this article were also
11 proposed by the commissioner of highways pursuant to
12 section nineteen, article four, chapter seventeen of this
13 code.

§64-2-17a(2)(9). Commissioner of motor vehicles.

1 (a) The legislative rules filed in the state register on the
2 second day of December, one thousand nine hundred
3 eighty-two, relating to the commissioner of motor vehicles

4 (denial of driving privileges), are authorized with the
5 amendments set forth below:

6 By inserting the words "licensed in the United States"
7 after the phrase "physician of the applicant's choice," on
8 page five, line two, and page seven, line one; and by striking
9 out the words "licensed vision specialist" and inserting in
10 lieu thereof the words "an optometrist or ophthalmologist
11 licensed in the United States," on page five, line three, and
12 on page seven, line two.

13 These rules were proposed by the commissioner pursuant
14 to section nine, article two, chapter seventeen-a and section
15 six, article three-c, chapter seventeen-b of this code.

16 (b) The legislative rules filed in the state register on the
17 twentieth day of November, one thousand nine hundred
18 eighty-four, relating to the commissioner of motor vehicles
19 (titling a vehicle), are authorized.

20 (c) The legislative rules filed in the state register on the
21 fifth day of August, one thousand nine hundred eighty-five,
22 modified by the commissioner of motor vehicles to meet the
23 objections of the legislative rule-making review committee
24 and refiled in the state register on the fourth day of October,
25 one thousand nine hundred eighty-five, relating to the
26 commissioner of motor vehicles (eligibility for
27 reinstatement following suspension or revocation of
28 driving privileges), are authorized.

29 (d) The legislative rules filed in the state register on the
30 twenty-fifth day of July, one thousand nine hundred
31 eighty-six, modified by the commissioner of motor vehicles
32 to meet the objections of the legislative rule-making review
33 committee and refiled in the state register on the ninth day
34 of October, one thousand nine hundred eighty-six, relating
35 to the commissioner of motor vehicles (seizure of a driver's
36 license and issuance of a temporary driver's license), are
37 authorized.

38 (e) The legislative rules filed in the state register on the
39 twenty-fifth day of July, one thousand nine hundred
40 eighty-six, modified by the commissioner of motor vehicles
41 to meet the objections of the legislative rule-making review
42 committee and refiled in the state register on the ninth day
43 of October, one thousand nine hundred eighty-six, relating
44 to the commissioner of motor vehicles (federal safety
45 standards inspection program), are authorized.

46 (f) The legislative rules filed in the state register on the
47 seventeenth day of August, one thousand nine hundred
48 eighty-seven, modified by the commissioner of motor
49 vehicles to meet the objections of the legislative rule-
50 making review committee and refiled in the state register on
51 the twenty-second day of September, one thousand nine
52 hundred eighty-seven, relating to the commissioner of
53 motor vehicles (denial, suspension, revocation or renewal of
54 driving privileges) are authorized with the amendment set
55 forth below:

56 On page 7, section 7.2 after the words "75 m.p.h.," add the
57 words "except on highways where the established speed
58 limit is 65 m.p.h., and conviction was in excess of 80 m.p.h.",

59 And,

60 On page 14, section 8.1 by inserting the words "not to
61 exceed fifteen hours" after the word "course" and in section
62 8.2 by inserting the words "not to exceed fifteen hours"
63 after the word "course".

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

1 (a) The legislative rules filed in the state register on the
2 sixth 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.

5 (b) The legislative rules authorized by the Legislature in
6 section nineteen (two) (ten) of this article were also
7 proposed by the commissioner of agriculture pursuant to
8 section five, article two, chapter nineteen of this code.

§64-2-19(2)(10). Commissioner of agriculture.

1 The legislative rules filed in the state register on the tenth
2 day of April, one thousand nine hundred eighty-seven,
3 relating to the commissioner of agriculture (schedule of
4 charges for inspection services: fruit) are authorized. These
5 rules were proposed by the commissioner of agriculture
6 pursuant to sections five and ten, article two, chapter
7 nineteen of this code.

§64-2-19(9)(2). Commissioner of agriculture.

1 (a) The legislative rules filed in the state register on the
2 fourth day of June, one thousand nine hundred eighty-four,
3 relating to the commissioner of agriculture (animal disease
4 control) 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-seven, modified by the commissioner of agriculture
8 to meet the objections of the legislative rule-making review
9 committee and refiled in the state register on the eighth day
10 of September, one thousand nine hundred eighty-seven,
11 relating to the commissioner of agriculture (animal disease
12 control) 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.

59 (n) The legislative rules filed in the state register on the
60 ninth day of November, one thousand nine hundred eighty-
61 four, relating to the West Virginia racing commission
62 (greyhound racing — Rule 628), are authorized.

63 (o) The legislative rules filed in the state register on the
64 twenty-fifth day of September, one thousand nine hundred
65 eighty-four, relating to the West Virginia racing
66 commission (greyhound racing — Rule 672) are authorized.

67 (p) The legislative rules filed in the state register on the
68 ninth day of November, one thousand nine hundred eighty-
69 four, relating to the West Virginia racing commission
70 (thoroughbred racing — Rule 808), are authorized.

71 (q) The legislative rules filed in the state register on the
72 twenty-fifth day of September, one thousand nine hundred

73 eighty-four, relating to the West Virginia racing
74 commission (thoroughbred racing — Rule 843), are
75 authorized.

76 (r) The legislative rules filed in the state register on the
77 sixth day of August, one thousand nine hundred eighty-
78 four, relating to the West Virginia racing commission
79 (greyhound racing — Rule 845-I) are authorized.

80 (s) The legislative rules filed in the state register on the
81 third day of September, one thousand nine hundred eighty-
82 seven, modified by the West Virginia racing commission to
83 meet the objections of the legislative rule-making review
84 committee and refiled in the state register on the twenty-
85 first day of December, one thousand nine hundred eighty-
86 seven, relating to the West Virginia racing commission
87 (greyhound racing) are authorized.

88 (t) The legislative rules filed in the state register on the
89 thirty-first day of July, one thousand nine hundred eighty-
90 seven, modified by the West Virginia racing commission to
91 meet the objections of the legislative rule-making review
92 committee and refiled in the state register on the eighteenth
93 day of December, one thousand nine hundred eighty-seven,
94 relating to the West Virginia racing commission
95 (thoroughbred racing) are authorized with the amendments
96 set forth below:

97 On page fifty-five, Section 61.3(f), by striking all of
98 subsection (f) and inserting in lieu thereof the existing
99 provisions of subsection (f) as contained in 178 CSR 1,
100 which reads as follows:

101 All moneys held by any licensee for the payment of *sec*
102 outstanding and unredeemed pari-mutuel tickets, if not
103 claimed within ninety (90) days after the close of the horse
104 race meeting in connection with which the tickets were
105 issued, shall be turned over by the licensee to the Racing
106 Commission within fifteen (15) days after the expiration of
107 such ninety (90) day period and the licensee shall give such
108 information as the Racing Commission may require
109 concerning such outstanding and unredeemed tickets; viz.
110 The outs ledger enumerating all outstanding tickets at the
111 close of each meeting, to contain a record of all tickets
112 redeemed in the ninety (90) day following period, together
113 with all redeemed tickets which shall bear the stamp of the

114 cashier(s) making redemption: A stamp indicating “Outs
115 Ticket.” In addition, a statement to accompany said ledger
116 and tickets, setting forth the quantity and amount of each
117 denomination redeemed in the ninety (90) day period, with
118 a grand total indicating the sum paid in “Outs.” This sum
119 subtracted from the outs on the closing day to equal the
120 remittance of the Association in settlement of the “Out”
121 account for the meeting.

§64-2-20(1)(7). Department of natural resources.

1 (a) The legislative rules filed in the state register on the
2 twenty-sixth day of September, one thousand nine hundred
3 eighty-four, relating to the department of natural resources
4 (public use of state parks, forests, hunting and fishing
5 areas), are authorized.

6 (b) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred eighty-
8 five, relating to the department of natural resources (WV/
9 NPDES regulations for the coal mining point source
10 category and related sewage facilities), are authorized.

11 (c) The legislative rules filed in the state register on the
12 thirtieth day of December, one thousand nine hundred
13 eighty-six, relating to the department of natural resources
14 (WV/NPDES program for coal mines and preparation
15 plants, and the refuse and waste therefrom), are authorized
16 with the amendments set forth below:

17 On page four, § 1.9.1.a by inserting the words “five
18 thousand dollars or” after the words “ ‘significant portion
19 of income’ means” and

20 On page four, § 1.9.1.a by inserting the words “whichever
21 is less,” after the words “ten percent or more of gross
22 personal income for a calendar year”.

23 (d) The legislative rules filed in the state register on the
24 twelfth day of August, one thousand nine hundred eighty-
25 seven, relating to the department of natural resources (WV/
26 NPDES regulations for coal mining facilities) are
27 authorized.

28 (e) The legislative rules authorized by the Legislature in
29 section twenty (seven) (twenty-two) of this article were also
30 proposed by the director of the department of natural
31 resources pursuant to section seven, article one, chapter
32 twenty of this code.

§64-2-20(2)(23). Director of the department of natural resources.

1 The legislative rules filed in the state register on the tenth
2 day of June, one thousand nine hundred eighty-seven,
3 relating to the director of the department of natural
4 resources (outfitters and guides) 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 state water resources board to promulgate rules relating to
20 water 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.

26 (f) The legislative rules filed in the state register on the
27 seventh day of January, one thousand nine hundred eighty-
28 five, modified by the water resources board to meet the
29 objections of the legislative rule-making review committee
30 and refiled in the state register on the thirteenth day of
31 February, one thousand nine hundred eighty-five, relating
32 to the water resources board (water quality standards), are
33 authorized.

34 (g) The legislative rules filed in the state register on the
35 seventeenth day of October, one thousand nine hundred
36 eighty-five, modified by the state water resources board to
37 meet the objections of the legislative rule-making review
38 committee and refiled in the state register on the eighth day
39 of January, one thousand nine hundred eighty-seven, and
40 further modified by the state water resources board to meet
41 the objections of the legislative rule-making review
42 committee and refiled in the state register on the twenty-
43 fourth day of February, one thousand nine hundred eighty-
44 seven, relating to the state water resources board (water
45 quality standards), are authorized.

46 (h) The legislative rules filed in the state register on the
47 seventeenth day of October, one thousand nine hundred
48 eighty-five, modified by the state water resources board to
49 meet the objections of the legislative rule-making review
50 committee and refiled in the state register on the eighth day
51 of January, one thousand nine hundred eighty-seven, and
52 further modified by the state water resources board to meet
53 the objections of the legislative rule-making review
54 committee and refiled in the state register on the twenty-
55 fourth day of February, one thousand nine hundred eighty-
56 seven, relating to the state water resources board (state
57 national pollutant discharge elimination system (NPDES)
58 program), are authorized.

59 (i) The legislative rules filed in the state register on the
60 seventeenth day of October, one thousand nine hundred
61 eighty-five, and modified by the state water resources
62 board to meet the objections of the legislative rule-making
63 review committee and refiled in the state register on the
64 twenty-fourth day of February, one thousand nine hundred
65 eighty-seven, relating to the state water resources board
66 (underground injection control program), are authorized.

67 (j) The legislative rules filed in the state register on the
68 seventeenth day of October, one thousand nine hundred
69 eighty-five, and modified by the state water resources
70 board to meet the objections of the legislative rule-making
71 review committee and refiled in the state register on the
72 twenty-fourth day of February, one thousand nine hundred
73 eighty-seven, relating to the state water resources board
74 (special regulations), are authorized. These rules were
75 proposed by the state water resources board pursuant to

76 section three, article five-a, and section five, article five, of
77 chapter twenty of this code.

78 (k) The legislative rules filed in the state register on the
79 thirtieth day of June, one thousand nine hundred eighty-
80 seven, relating to the water resources board (water quality
81 standards) are authorized.

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

1 (a) The legislative rules 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 § title from "Enforcement" to
12 "Procedure"; place an "(a)" in front of the existing
13 paragraph and add the following:

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

20 Such rules shall also include a section which shall read as
21 follows:

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

32 (c) The legislative rules filed in the state register on the
33 third day of December, one thousand nine hundred eighty-
34 four, modified by the department of natural resources to

35 meet the objections of the legislative rule-making review
36 committee and refiled in the state register on the thirteenth
37 day of February, one thousand nine hundred eighty-five,
38 relating to the department of natural resources (hazardous
39 waste management), are authorized.

40 (d) The legislative rules filed in the state register on the
41 eleventh day of December, one thousand nine hundred
42 eighty-five, modified by the department of natural
43 resources to meet the objections of the legislative rule-
44 making review committee and refiled in the state register on
45 the twentieth day of February, one thousand nine hundred
46 eighty-six, relating to the department of natural resources
47 (hazardous waste management), are authorized.

48 (e) The legislative rules filed in the state register on the
49 fifth day of March, one thousand nine hundred eighty-six,
50 relating to the department of natural resources (hazardous
51 waste management), are authorized.

52 (f) The legislative rules filed in the state register on the
53 tenth day of October, one thousand nine hundred eighty-
54 five, relating to the department of natural resources
55 (hazardous waste management: small quantity generators
56 and waste minimization certification), are authorized with
57 the amendments set forth below:

58 On page 1, §3.1.4b, delete the word "or" in the reference to
59 "paragraph (g) or (j)" and insert in lieu thereof the words
60 "and, if applicable."

61 (g) The legislative rules filed in the state register on the
62 twenty-sixth day of September, one thousand nine hundred
63 eighty-six, modified by the department of natural resources
64 to meet the objections of the legislative rule-making review
65 committee and refiled in the state register on the ninth day
66 of December, one thousand nine hundred eighty-six,
67 relating to the department of natural resources (hazardous
68 waste management regulations), are authorized.

69 (h) The legislative rules filed in the state register on the
70 ninth day of January, one thousand nine hundred eighty-
71 seven, relating to the department of natural resources
72 (hazardous waste management regulations), are
73 authorized.

74 (i) The legislative rules filed in the state register on the
75 fifth day of March, one thousand nine hundred eighty-
76 seven, relating to the department of natural resources

77 (hazardous waste management regulations, series 35), are
78 authorized.

79 (j) The legislative rules filed in the state register on the
80 seventh day of December, one thousand nine hundred
81 eighty-seven, relating to the department of natural
82 resources (hazardous waste management regulations, series
83 35) are authorized.

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

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 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 "40 CFR part 262" add the words "as
8 amended through March 8, 1986,"

9 Page 7 after "49 CFR parts 171-179" add the words "as
10 amended through March 8, 1986," and

11 Page 11 after "49 CFR part 171.16" add the words "as
12 amended through March 8, 1986."

13 (b) The legislative rules filed in the state register on the
14 seventh day of September, one thousand nine hundred
15 eighty-four, modified by the commissioner of highways to
16 meet the objections of the legislative rule-making review
17 committee and refiled in the state register on the fifth day of
18 October, one thousand nine hundred eighty-four, relating
19 to the commissioner of highways (transportation of
20 hazardous waste) are authorized with the amendment set
21 forth below:

22 Page 5, by amending § 3.01 by adding thereto a new
23 subsection, designated subsection (4), to read as follows:
24 "(4) Before accepting hazardous waste from a rail
25 transporter, a highway transporter must sign and date the
26 manifest and provide a copy to the rail transporter."

27 (c) The legislative rules filed in the state register on the
28 twelfth day of December, one thousand nine hundred
29 eighty-five, relating to the commissioner of highways
30 (transportation of hazardous wastes by vehicle upon the
31 roads and highways of this state) are authorized with the
32 amendments set forth below:

33 On page 18, the first line of § 3.03 shall read as follows:
34 “3.03. Transporters who only accept Hazardous Waste
35 from”.

36 (d) The legislative rules filed in the state register on the
37 twenty-fifth day of February, one thousand nine hundred
38 eighty-seven, modified by the commissioner of highways to
39 meet the objections of the legislative rule-making review
40 committee and refiled in the state register on the twenty-
41 third day of November, one thousand nine hundred eighty-
42 seven, relating to the commissioner of highways
43 (transportation of hazardous wastes upon the roads and
44 highways) are authorized.

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

1 (a) 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 paragraph:

8 “Upon request of any applicant, the division shall meet
9 with the applicant for prefiling 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.”

24 (b) The legislative rules filed in the state register on the
25 sixteenth day of December, one thousand nine hundred
26 eighty-seven, modified by the department of natural
27 resources to meet the objections of the legislative rule-
28 making review committee and refiled in the state register on

29 the fourteenth day of January, one thousand nine hundred
30 eighty-eight, relating to the department of natural
31 resources (solid waste management) are authorized.

§64-2-20(7)(22). Director of the department of natural resources.

1 The legislative rules filed in the state register on the
2 twenty-eighth day of July, one thousand nine hundred
3 eighty-seven, modified by the director of the department of
4 natural resources to meet the objections of the legislative
5 rule-making review committee and refiled in the state
6 register on the seventh day of August, one thousand nine
7 hundred eighty-seven, relating to the director of the
8 department of natural resources (boating regulations) are
9 authorized with the amendment set forth below:

10 On page 16, section 6.2, line 3 by inserting following the
11 period "This regulation does not apply to licensed outfitters
12 and guides." These rules were proposed by the director of
13 the department of natural resources pursuant to section
14 seven, article one and section twenty-two, article seven,
15 chapter twenty of this code.

§64-2-21(3)(7). Commissioner of labor.

1 (a) The legislative rules filed in the state register on the
2 tenth day of May, one thousand nine hundred eighty-two,
3 relating to the commissioner of labor (steam boiler rules) as
4 modified by the legislative rule-making review committee
5 are authorized.

6 (b) The legislative rules filed in the state register on the
7 twelfth day of January, one thousand nine hundred eighty-
8 eight, relating to the commissioner of labor (steam boiler
9 inspection fee schedule) are authorized.

§64-2-21(3a)(7). Commissioner of labor.

1 The legislative rules filed in the state register on the
2 twenty-second day of December, one thousand nine
3 hundred eighty-seven, relating to the commissioner of labor
4 (West Virginia occupational safety and health act) are
5 authorized.

§64-2-21(5)(13). Commissioner of labor.

1 The legislative rules filed in the state register on the

2 twenty-second day of December, one thousand nine
3 hundred eighty-seven, modified by the commissioner of
4 labor to meet the objections of the legislative rule-making
5 review committee and refiled in the state register on the
6 twentieth day of January, one thousand nine hundred
7 eighty-eight, relating to the commissioner of labor (wage
8 payment and collection act) are authorized. These rules
9 were proposed by the commissioner of labor pursuant to
10 sections thirteen and fourteen, article five, chapter twenty-
11 one of this code.

§64-2-21(5)(14). Commissioner of labor.

1 The legislative rules authorized by the Legislature in
2 section twenty-one (five) (thirteen) of this article were also
3 proposed by the commissioner of labor pursuant to section
4 fourteen, article five, chapter twenty-one of this code.

§64-2-22(1)(15). Commissioner of the department of energy.

1 The legislative rules filed in the state register on the
2 twentieth day of April, one thousand nine hundred eighty-
3 seven, relating to the commissioner of the department of
4 energy (roof control) are authorized.

§64-2-22(9)(6). Commissioner of the department of energy.

1 (a) The legislative rules filed in the state register on the
2 fourteenth day of November, one thousand nine hundred
3 eighty-six, modified by the commissioner of the department
4 of energy to meet the objections of the legislative rule-
5 making review committee and refiled in the state register on
6 the sixteenth day of December, one thousand nine hundred
7 eighty-six, relating to the commissioner of the department
8 of energy (standards for certification of coal mine
9 electricians), are authorized.

10 (b) The legislative rules filed in the state register on the
11 fifteenth day of December, one thousand nine hundred
12 eighty-six, modified by the commissioner of the department
13 of energy to meet the objections of the legislative rule-
14 making review committee and refiled in the state register on
15 the twenty-first day of January, one thousand nine hundred
16 eighty-seven, relating to the commissioner of the
17 department of energy (safety training program for
18 prospective underground coal miners in West Virginia), are
19 authorized.

20 (c) The legislative rules filed in the state register on the
21 fifteenth day of December, one thousand nine hundred
22 eighty-six, modified by the commissioner of the department
23 of energy to meet the objections of the legislative rule-
24 making review committee and refiled in the state register on
25 the twenty-first day of January, one thousand nine hundred
26 eighty-seven, relating to the commissioner of the
27 department of energy (safety training program for
28 prospective surface coal miners in West Virginia), are
29 authorized.

30 (d) The legislative rules filed in the state register on the
31 third day of April, one thousand nine hundred eighty-seven,
32 relating to the commissioner of the department of energy
33 (standards for certification of underground belt examiners
34 for underground coal mines), are authorized.

35 (e) The legislative rules filed in the state register on the
36 twelfth day of May, one thousand nine hundred eighty-
37 seven, modified by the commissioner of the department of
38 energy to meet the objections of the legislative rule-making
39 review committee and refiled in the state register on the
40 fourteenth day of August, one thousand nine hundred
41 eighty-seven, relating to the commissioner of the
42 department of energy (blasters certification for surface coal
43 mines and surface areas of coal mines) are authorized.

§64-2-22a(3)(4). Commissioner of the department of energy.

1 The legislative rules filed in the state register on the ninth
2 day of April, one thousand nine hundred eighty-seven,
3 relating to the commissioner of the department of energy
4 (performance standards for blasting on surface mines) are
5 authorized.

§64-2-29(22)(5). State lottery commission.

1 The legislative rules filed in the state register on the
2 twenty-first day of April, one thousand nine hundred
3 eighty-seven, modified by the state lottery commission to
4 meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the fourteenth
6 day of August, one thousand nine hundred eighty-seven,
7 relating to the state lottery commission (state lottery) are
8 authorized.

§64-2-29a(2)(6). Secretary of state.

1 (a) The legislative rules filed in the state register on the
2 fifteenth day of April, one thousand nine hundred eighty-
3 five, modified by the secretary of state to meet the
4 objections of the legislative rule-making review committee
5 and refiled in the state register on the eighth day of October,
6 one thousand nine hundred eighty-five, relating to the
7 secretary of state (standard size and format for rules and
8 related documents filed in the secretary of state's office) are
9 authorized.

10 (b) The legislative rules filed in the state register on the
11 seventeenth day of August, one thousand nine hundred
12 eighty-seven, modified by the secretary of state to meet the
13 objections of the legislative rule-making review committee
14 and refiled in the state register on the twenty-third day of
15 September, one thousand nine hundred eighty-seven,
16 relating to the secretary of state (standard size and format
17 for rules and procedures for publication of the state register
18 or parts of the state register) are authorized. These rules
19 were proposed by the secretary of state pursuant to sections
20 six and seven, article two, chapter twenty-nine-a of this
21 code.

§64-2-29a(2)(7). Secretary of state.

1 The legislative rules authorized by the Legislature in
2 section twenty-nine-a (two) (six) of this article were also
3 proposed by the secretary of state pursuant to section seven,
4 article two, chapter twenty-nine-a of this code.

§64-2-29b(1)(3). Freedom of information act; department of energy.

1 The Legislature hereby authorizes and directs the
2 department of energy to promulgate the procedural rules
3 filed in the state register on the twenty-first day of October,
4 one thousand nine hundred eighty-seven, relating to the
5 department of energy (requests for information) with the
6 amendments set forth below:

7 On page two, subsection 3.1, by striking subdivision (d)
8 and renumbering the remaining subdivisions, and

9 On page three, section 6, by striking all of subsection 6.1
10 and inserting in lieu thereof, the following:

11 "6.1 The department shall establish fixed rate fees for
12 reproduction of documents, records, and files on the basis of
13 the actual cost of such reproduction and shall document
14 such costs: *Provided*, That where total costs are less than
15 five dollars, no fee shall be charged."

§64-2-30(3)(7). Board of medicine.

1 (a) 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;
5 physicians assistants) are authorized with the
6 modifications set forth 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 nonemergency
15 outpatient medical services until the patient has been
16 informed that the individual providing care is a physician
17 assistant."

18 (b) The legislative rules filed in the state register on the
19 twenty-sixth day of November, one thousand nine hundred
20 eighty-five, modified by the board of medicine to meet the
21 objections of the legislative rule-making review committee
22 and refiled in the state register on the seventeenth day of
23 January, one thousand nine hundred eighty-six, relating to
24 the board of medicine (licensing, disciplinary and
25 complaint procedures; podiatry; physicians assistants) are
26 authorized. These rules were proposed by the board of
27 medicine pursuant to sections seven and sixteen, article
28 three, chapter thirty of this code.

29 (c) The legislative rules filed in the state register on the
30 eighth day of March, one thousand nine hundred eighty-
31 five, modified by the West Virginia board of medicine to
32 meet the objections of the legislative rule-making review
33 committee and refiled in the state register on the eighteenth
34 day of December, one thousand nine hundred eighty-five,
35 relating to the West Virginia board of medicine (rules

36 governing the approval of medical schools not accredited by
37 the liaison committee on medical education) are authorized.
38 These rules were proposed by the West Virginia board of
39 medicine pursuant to sections seven and ten, article three,
40 chapter thirty of this code.

41 (d) The legislative rules filed in the state register on the
42 third day of June, one thousand nine hundred eighty-seven,
43 relating to the board of medicine (fees for services rendered
44 by the board of medicine) are authorized.

§64-2-30(13)(5). West Virginia state board of registration for professional engineers.

1 (a) The legislative rules filed in the state register on the
2 twenty-ninth day of November, one thousand nine hundred
3 eighty-five, modified by the West Virginia state board of
4 registration for professional engineers to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-eighth day of
7 January, one thousand nine hundred eighty-six, relating to
8 the West Virginia state board of registration for
9 professional engineers (legislative rules governing the West
10 Virginia state board of registration for professional
11 engineers) are authorized.

12 (b) The legislative rules filed in the state register on the
13 twenty-third day of December, one thousand nine hundred
14 eighty-seven, modified by the West Virginia state board of
15 registration for professional engineers to meet the
16 objections of the legislative rule-making review committee
17 and refiled in the state register on the twenty-ninth day of
18 January, one thousand nine hundred eighty-eight, relating
19 to the West Virginia state board of registration for
20 professional engineers (rules of the West Virginia state
21 board of registration for professional engineers) are
22 authorized.

§64-2-30(13a)(4). State board of examiners of land surveyors.

1 The legislative rules filed in the state register on the
2 thirty-first day of July, one thousand nine hundred eighty-
3 seven, modified by the state board of examiners of land
4 surveyors to meet the objections of the legislative rule-
5 making review committee and refiled in the state register on
6 the twenty-eighth day of January, one thousand nine

7 hundred eighty-eight, relating to the state board of
8 examiners of land surveyors (practice of land surveying in
9 West Virginia) are authorized.

**§64-2-30(16)(4). State boards of examination or registration;
West Virginia board of chiropractic
examiners.**

1 The legislative rules filed in the state register on the
2 twenty-sixth day of October, one thousand nine hundred
3 eighty-seven, modified by the West Virginia board of
4 chiropractic examiners to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on the twenty-seventh day of January, one
7 thousand nine hundred eighty-eight, relating to the West
8 Virginia board of chiropractic examiners (West Virginia
9 board of chiropractic examiners) are authorized.

§64-2-31(20)(9). Jail and prison standards commission.

1 The legislative rules filed in the state register on the fifth
2 day of November, one thousand nine hundred eighty-seven,
3 relating to the jail and prison standards commission (West
4 Virginia minimum standards for construction, operation,
5 and maintenance of jails) are authorized.

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

1 (a) 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.

5 (b) The legislative rules filed in the state register on the
6 eighteenth day of August, one thousand nine hundred
7 eighty-six, modified by the insurance commissioner to meet
8 the objection of the legislative rule-making review
9 committee and refiled in the state register on the twelfth
10 day of December, one thousand nine hundred eighty-six,
11 relating to the insurance commissioner (examiners'
12 compensation, qualification and classification), are
13 authorized.

14 (c) The legislative rules authorized by the Legislature in
15 section thirty-three (twenty-a) (three) of this article were
16 also proposed by the insurance commissioner pursuant to
17 section ten, article two, chapter thirty-three, of this code.

Jan

18 (d) The legislative rules authorized by the Legislature in
19 section thirty-three (twenty-b) (six) of this article were also
20 proposed by the insurance commissioner pursuant to
21 section ten, article two, chapter thirty-three₆ of this code. *See*

§64-2-33(20a)(3). Insurance commissioner.

1 The legislative rules filed in the state register on the
2 twentieth day of February, one thousand nine hundred
3 eighty-seven, relating to the insurance commissioner (West
4 Virginia essential property insurance association) are
5 authorized. These rules were proposed by the insurance
6 commissioner pursuant to section ten, article two and
7 section three, article twenty-a, chapter thirty-three of this
8 code.

§64-2-33(20b)(6). Insurance commissioner.

1 (a) The legislative rules filed in the state register on the
2 twenty-ninth day of May, one thousand nine hundred
3 eighty-seven, relating to the insurance commissioner
4 (medical malpractice annual reporting requirements) are
5 authorized. These rules were proposed by the insurance
6 commissioner pursuant to section ten, article two and
7 section six, article twenty-b, chapter thirty-three of this
8 code.

9 (b) The legislative rules filed in the state register on the
10 thirty-first day of July, one thousand nine hundred eighty-
11 seven, modified by the insurance commissioner to meet the
12 objections of the legislative rule-making review committee
13 and refiled in the state register on the seventh day of
14 November, one thousand nine hundred eighty-seven,
15 relating to the insurance commissioner (medical
16 malpractice loss experience and loss expense reporting
17 requirements) are authorized. These rules were proposed by
18 the insurance commissioner pursuant to section ten, article
19 two and section six, article twenty-b of chapter thirty-three
20 of this code.

§64-2-47(1)(19). Commissioner of the department of labor.

1 The legislative rules filed in the state register on the
2 sixteenth day of November, one thousand nine hundred
3 eighty-seven, relating to the commissioner of the
4 department of labor (standards for weights and measures

5 inspectors—adoption of NBS Handbook 130, 1987) are
6 authorized.

§64-2-47(14)(5). Attorney general.

1 The legislative rules filed in the state register on the
2 twenty-third day of September, one thousand nine hundred
3 eighty-seven, modified by the attorney general to meet the
4 objections of the legislative rule-making review committee
5 and refiled in the state register on the twenty-fifth day of
6 November, one thousand nine hundred eighty-seven,
7 relating to the attorney general (administration of preneed
8 burial contracts) are authorized with the following
9 amendments set forth below:

10 On page 9, section 8.2 by striking the words “within thirty
11 days after the death of a contract beneficiary,” and
12 inserting in lieu thereof the following: “On or before the
13 first day of January and the first day of July of each year,”
14 and after the word “provided” by striking the comma and
15 inserting in lieu thereof “after the death of any contract
16 beneficiary during the previous six-month period,”

17 And,

18 On page 12, section 9.7 by striking all of 9.7,

19 And,

20 Beginning on page 15, by striking the entirety of section
21 15,

22 And,

23 Beginning on page 18, by striking the entirety of section
24 16, and by renumbering the remaining sections.

**§64-2-48a(2)(7). Department of human services; director of the
child advocate office.**

1 The legislative rules authorized by the Legislature in
2 section forty-eight-a (two) (eight) of this article were also
3 proposed by the director of the child advocate office
4 pursuant to section seven, article two, chapter forty-eight-a
5 of this code.

**§64-2-48a(2)(8). Department of human services; director of the
child advocate office.**

1 The Legislature hereby authorizes and directs the
2 director of the child advocate office of the department of
3 human services to promulgate rules relating to guidelines

4 for child support awards in exact conformity with the rules
5 relating to guidelines for child support awards tendered to
6 the secretary of state by the Senate committee on the
7 judiciary on the twelfth day of March, one thousand nine
8 hundred eighty-eight.

Handwritten signature and date:
The Honorable
March 12, 1988

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

Anna C. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jedd C. Mullis
.....
Clerk of the Senate

Donald G. Kopp
.....
Clerk of the House of Delegates

Dan Tonkovich
.....
President of the Senate

W. A. ...
.....
Speaker House of Delegates

The within *approved* this the *30th*
March day of 1988.

Anna Prange
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 3:04 p.m.

RECEIVED

1000 APR -5 AM 0 49

OFFICE OF MISS VICTORIA
SECRETARY OF STATE