WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2853

(By Rep. Del. Humphreys)

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Passed April 8, 1989

In Effect

From Passage
AN ACT to amend and reenact chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to legislative authorization of legislative rules proposed by various executive agencies following review by the legislative rule-making review committee and recommended by the legislative rule-making review committee as filed, with modifications as filed, as amended, or as directed and authorized; declaration by the Legislature of legislative rules authorized as complying with the intent of the statute under which the legislative rule was proposed.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 64. LEGISLATIVE RULES.

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

1 Under the provisions of article three, chapter twenty-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in article two of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its
§64-1-2. Effective date of rules.

The effective date of the legislative rules authorized in article two of this chapter shall be governed by the provisions of section thirteen, article three, chapter twenty-nine-a, unless the agency promulgating the rules establishes an effective date which is earlier than that provided by section thirteen, article three, chapter twenty-nine-a, in which case the effective date established by the agency shall control, unless the Legislature in the bill authorizing the rules establishes an effective date for such rules in which case the effective date established by the Legislature shall control.

§64-1-3. Technical deficiencies waived.

The Legislature further declares each legislative rule now or hereafter authorized under article two of this chapter to have been validly promulgated notwithstanding any failure to comply with any requirement of chapter twenty-nine-a for the promulgation of rules at any stage of the promulgation process prior to authorization by the Legislature in article two of this chapter.

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-1. State board of health; director of health.

(a) The legislative rules filed in the state register on the second day of June, one thousand nine hundred eighty-two, relating to the state board of health (waste water treatment works operations) are authorized.

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

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

(d) The legislative rules filed in the state register on the twenty-second day of October, one thousand nine hundred eighty-two, relating to the state board of health (sewage systems) with the modification presented to the legislative rule-making review committee on the sixth day of December, one thousand nine hundred eighty-two, are authorized except lines ten through seventeen, page eight of the rules shall be stricken in their entirety and the remaining paragraphs renumbered.

(e) The legislative rules filed in the state register on the second day of June, one thousand nine hundred eighty-two, relating to the state board of health (approval of laboratories) are authorized.

(f) The legislative rules filed in the state register on the twenty-fourth day of November, one thousand nine hundred eighty-two, relating to the state board of health (permit fees) are authorized.

(g) The legislative rules filed in the state register on the third day of June, one thousand nine hundred eighty-two, relating to the state board of health (certificate of need) are authorized.

(h) The legislative rules filed in the state register on the sixteenth day of August, one thousand nine hundred eighty-two, relating to the state board of health (eyes of newborn children) are authorized.

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

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

(j) The legislative rules filed in the state register on the twenty-fourth day of November, one thousand nine hundred eighty-two, relating to the state board of health (guardianship service), are authorized with the exception of section 9.3 of those rules which may not be promulgated.

(k) The legislative rules filed in the state register on the third day of June, one thousand nine hundred eighty-two, relating to the state board of health (controlled substances research program and certification) are authorized.

(l) The legislative rules filed in the state register on the fifth day of November, one thousand nine hundred eighty-two, relating to the state board of health (chemical test for intoxication) are authorized.

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

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

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

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

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

§ 4.1. In the first sentence delete the word “obtaining”
and insert in lieu thereof the words “applying for.” In
the second sentence after “4.3” add “and 4.5.”

§ 4.2. At the end of the second sentence, strike the
period and add the words “unless emergency conditions
prevail as noted under § 4.3.”

With the balance of § 4.2 and create a new § 4.3 with
the following changes: In the first sentence delete the
word “deadline” and insert in lieu thereof the word
“requirements.” Add after the first sentence the
sentence, “Emergency conditions and unavoidable
circumstances are those conditions involving acts of God,
water outages or disruption of water service, unsatisfac-
tory water quality or quantity or public health threats.”
In the third sentence delete the word “exceed” and insert
in lieu thereof the words “be made in excess of.”

Renumber § 4.3 as § 4.4 and add the following two
sentences at the end of the section: “Such standards shall
constitute the minimum standards for the installation,
the alteration or the deepening of water wells. Any plans
approved by the director pursuant to these regulations
shall be in substantial compliance with the heretofore
mentioned standards.”

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

§ 5.2. Delete the words “four (4)” and insert in lieu
thereof the words “two (2)” and delete the words “active,
continuous.”

(q) The legislative rules filed in the state register on
the third day of October, one thousand nine hundred
eighty-four, relating to the state board of health (trauma
center or facility designation), are authorized.

(r) The legislative rules filed in the state register on
the twenty-first day of December, one thousand nine
(s) The legislative rules filed in the state register on the twenty-first day of December, one thousand nine hundred eighty-four, relating to the state board of health (licensure of medical adult day care centers) are authorized.

(t) The legislative rules filed in the state register on the third day of October, one thousand nine hundred eighty-four, relating to the state board of health (retail food store sanitation) are authorized.

(u) The legislative rules filed in the state register on the seventeenth day of December, one thousand nine hundred eighty-five, modified by the director of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of January, one thousand nine hundred eighty-six, relating to the director of health (adult group home licensure) are authorized.

(v) The legislative rules filed in the state register on the twenty-ninth day of October, one thousand nine hundred eighty-five, modified by the state board of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of December, one thousand nine hundred eighty-five, relating to the state board of health (licensure of hospice care programs) are authorized.

(w) The legislative rules filed in the state register on the thirty-first day of October, one thousand nine hundred eighty-five, modified by the director of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of December, one thousand nine hundred eighty-five, relating to the director of health (rules governing emergency medical services) are authorized with the amendments set forth below:

On page 3, §3.9 shall read as follows:

"3.9 Quorum—When applied to the EMSAC, a major-
ity of the members thereof, except in the instance when
at any meeting of the EMSAC, where a quorum is not
present and the director causes to be deposited in the
United States mail, postage prepaid, return receipt
requested, to each member of the EMSAC within three
days, a notice calling a meeting of the EMSAC at some
convenient place in the state of West Virginia two weeks
after the meeting at which no quorum was present.
Quorum means any number of members of the EMSAC
who attend such subsequent meeting. Any member
missing two consecutive meetings shall be removed from
the EMSAC."

On page 6, §4.7.1 shall be deleted in its entirety, and
On page 7, §4.10.1 shall read as follows:

"4.10.1 every applicant for certification as an EMSP
prior to such certification, shall demonstrate his or her
knowledge and ability by undergoing a written exam-
ination and a demonstration of skills, and by attaining
a passing score on the same. Passing score shall be the
same for all testing programs.

(x) The legislative rules filed in the state register on
the fifth day of September, one thousand nine hundred
eighty-five, relating to the state department of health
(revising the list of hazardous substances) are
authorized.

(y) The legislative rules filed in the state register on
the thirteenth day of August, one thousand nine hundred
eighty-six, modified by the director of the department
of health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the sixteenth of October, one thousand nine
hundred eighty-six, relating to the director of the
department of health (hazardous material treatment
information repository), are authorized.

(z) The legislative rules filed in the state register on
the seventeenth day of July, one thousand nine hundred
eighty-six, modified by the state board of health to meet
the objections of the legislative rule-making review
committee and refiled in the state register on the
sixteenth day of October, one thousand nine hundred eighty-six, relating to the state board of health (methods and standards for chemical tests for intoxication) are authorized.

(aa) The legislative rules filed in the state register on the twenty-first day of November, one thousand nine hundred eighty-six, modified by the state board of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of December, one thousand nine hundred eighty-six, relating to the state board of health (licensure of behavioral health centers), are authorized.

(bb) The legislative rules filed in the state register on the eighteenth day of April, one thousand nine hundred eighty-six, modified by the state board of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the seventeenth day of October, one thousand nine hundred eighty-six, relating to the state board of health (hospital licensure), are authorized.

(cc) The legislative rules filed in the state register on the ninth day of December, one thousand nine hundred eighty-six, modified by the state board of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of December, one thousand nine hundred eighty-six, relating to the state board of health and allowing hospitals to have licensed hospital professionals, other than licensed physicians, on their medical staff, are authorized.

(dd) The legislative rules filed in the state register on the ninth day of December, one thousand nine hundred eighty-six, modified by the state board of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of December, one thousand nine hundred eighty-six, relating to the state board of health (vital statistics), are authorized.

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

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

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

(gg) The legislative rules filed in the state register on
the eighteenth day of November, one thousand nine
hundred eighty-seven, relating to the director of the
department of health (trauma center or facility desig-
nation) are authorized.

(hh) The legislative rules filed in the state register on
the twenty-second day of June, one thousand nine
hundred eighty-eight, modified by the state board of
health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the fifteenth day of September, one thousand
nine hundred eighty-eight, relating to the state board of
health (licensure of hospice care programs) are
authorized.

(ii) The legislative rules filed in the state register on
the fifteenth day of September, one thousand nine
hundred eighty-eight, modified by the state board of
health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the third day of November, one thousand
nine hundred eighty-eight, relating to the state board of
health (water wells) are authorized with amendment set
forth below:

On page 2, §3.8, shall read as follows:

3.8 Water Well—Any excavation or penetration in the
ground, whether drilled, bored, cored, driven or jetted
that enters or passes through an aquifer for purposes
that may include but are not limited to: a water supply,
exploration for water, dewatering or heat pump wells,
except that this definition shall not include ground
water monitoring activities and all activities for the
exploration, development, production, storage and
recovery of coal, oil and gas and other mineral resources
which are regulated under chapter 22, 22a or 22b of the
code.

(jj) The legislative rules filed in the state register on
the twenty-second day of June, one thousand nine
hundred eighty-eight, modified by the state board of
health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the fifteenth day of September, one thousand
nine hundred eighty-eight, relating to the state board of
health (plumbing requirements) are authorized.

(kk) The legislative rules filed in the state register on
the twenty-second day of June, one thousand nine
hundred eighty-eight, modified by the state board of
health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the fifteenth day of September, one thousand
nine hundred eighty-eight, relating to the state board of
health (public water supply operators) are authorized.

(ll) The legislative rules filed in the state register on
the nineteenth day of October, one thousand nine
hundred eighty-eight, modified by the state board of
health to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twentieth day of December, one thousand
nine hundred eighty-eight, relating to the state board of
health (volatile synthetic organic chemicals) are autho-
ized.


(a) The legislative rules filed in the state register on
the fifth day of January, one thousand nine hundred
eighty-four, relating to the state tax commissioner
(appraisal of property for periodic statewide reapprai-
sals for ad valorem property tax purposes), are autho-
ized with the amendments set forth below:

Page 8, section 11.04 (b)(2), definition of “Active
Mining Property,” at the end of the first paragraph
following the “period,” by adding the following: “In the
application of the herein provided valuation formula on
‘active mining property,’ the appropriate formula
calculation will be based upon the actual market to
which the coal from that tract and seam is currently
being sold, whether it is ‘metallurgical’ or ‘steam’.”

Page 9, section 11.04 (b)(3), definition of “Active
Reserves,” at the end of the subsection, following the
“period,” by adding the following: “In the application of
the herein provided valuation formula on ‘active
reserves,’ the appropriate formula calculation will be
based upon the actual market to which the coal from
that tract and seam is currently being sold, whether it
is ‘metallurgical’ or ‘steam’.”

Page 11, section 11.04 (b)(11), definition of “Mineable
Coal,” by striking the subsection and substituting in lieu
thereof the following: “(11) Mineable Coal. Coal which
can be mined under present day mining technology and
economics.”

Page 25, section 11.04 (c)(2)(C), entitled “Property Tax
Component,” by striking the subsection and inserting in
lieu thereof the following: “(C) Property Tax Compo-
nent—This component will be derived by multiplying
the assessment rate by the statewide average of tax
rates on Class III property.”

Page 30, section 11.04 (c)(4), entitled “Valuation of
Mined-Out/Unmineable/Barrren Coal Properties,” by
striking the numbers “$5.00” and inserting in lieu
thereof the following: “$1.00.”

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

Page 53, section 11.05 (h) by striking the symbol and
figures “($5.00)” and inserting in lieu the following:
“($1.00).”
Page 73, section 11.06 (h) by striking the symbol and figures "$5.00" and inserting in lieu the following: "$1.00."

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

Page 86, section 11.07 (k) delete all of subsection (k).

Page 110, section 11.08 (c)(4) by striking the symbol and figures "$5.00" and inserting in lieu thereof the following: "$1.00."

Page 111, section 11.08 (c)(5)(B) by striking the symbol and figures "$5.00" and inserting in lieu thereof the following: "$1.00."

Page 115, section 11.09 (a)(3) in the first sentence, insert after the word "land" the words "excluding farm land."

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

55.02(a)(2)(on page 182.2) line 18, after the word "profession" strike the words "on his own account" and the comma.

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

55.12(c)(page 182.36) after the word "for," strike the word "erroneous."

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

(d) The legislative rules filed in the state register on
the twelfth day of March, one thousand nine hundred
eighty-five, relating to the state tax commissioner
(identification and appraisal of farmland subsequent to
the base year of statewide reappraisal) are authorized
and directed to be promulgated with the following
amendments:

Title page, Subject; following the word “Farmland,”
insert the words “and of Structures Situated Thereon.”

Page 1, Subject; following the word “Farmland,”
insert the words “and of Structures Situated Thereon.”

Page 1, TABLE OF CONTENTS, Section 10; follow-
ing the words “Valuation of Farmland” add the words
“and of Structures Situated Thereon.”

Page 10.1, Title; following the word “FARMLAND”
insert the words “AND STRUCTURES SITUATED
THEREON.”

Page 10.1, Section 10, Title; following the word
“Farmland” add the words “and Structures Situated
Thereon.”

Page 10.1, Section 10.01(b); following the word
“farmland” insert the words “and structures situated
thereon.”

Page 10.2, Section 10.02(a), first sentence; following
the word “farmland” insert the words “and structures
situated thereon.”

Page 10.3, Section 10.02(b), first sentence; following
the word “farmland” insert the words “and structures
situated thereon.” Delete the words “for purposes of the
statewide reappraisal.”

Page 10.3, Section 10.02(b), last sentence; following
the word “farmland” insert the words “and structures
situated thereon.”

Page 10.8, Section 10.04(5)(B), last sentence; delete the period and add “or the incapability to be adapted to alternative uses.”

Page 10.9, Section 10.04(6), first sentence; following the words “land currently being used” insert the words “as part of a farming operation.”

Page 10.9, Section 10.04(6), following the last sentence; add the sentence “For the purposes of this definition, ‘contiguous tracts’ are farmlands which are in close proximity, but not necessarily adjacent: Provided, That all such contiguous tracts are operated as part of the same farm management plan.”

Page 10.10, Section 10.04(8), is amended to read in its entirety as follows:

“(8) Farm buildings.—The term ‘farm buildings’ shall mean structures which directly contribute to the operation of the farm, and shall include tenant houses and quarters furnished farm employees without rent as a part of the terms of their employment.”

Page 10.11, Section 10.04; delete the word “November” and insert in lieu thereof the word “September.” Delete the period following the word “valuation” and add the words “for the assessment year beginning July first of each year.”

Page 10.11, Section 10.04, insert the following subdivision; “(12) Application Form: The application form required to be filed with the assessor on or before September first of each year shall require certification that the farm complies with criteria set forth in Section 10.05(c) of these regulations, and renewal applications from year to year shall be sufficient upon statement certifying that no change has been made in the use of farm property which would disqualify ‘farm use’ classification for assessment purposes.” Renumber the subdivisions of Section 10.04 following the new 10.04(12); formerly 10.04(12) through 10.04(28), to 10.04(13) through 10.04(29) respectively.
Page 10.14, Section 10.04(28) (formerly 10.04(27)); following the words “woodland products” insert a comma and the words “such as nuts or fruits harvested” and add a comma following the words “human consumption” on Page 10.15.

Page 10.16, Section 10.05, subsection (a), following the words “land is used for farm purposes” by striking the period and inserting in lieu thereof a colon and the following: “Provided, That the true and actual value of all farm used, occupied and cultivated by their owners or bona fide tenants shall be arrived at according to the fair and reasonable value of the property for the purpose for which it is actually used regardless of what the value of the property would be if used for some other purpose; and that the true and actual value shall be arrived at by giving consideration to the fair and reasonable income which the same might be expected to earn under normal conditions in the locality wherein situated, if rented: Provided, however, That nothing herein shall alter the method of assessment of lands or minerals owned by domestic or foreign corporations.”

Page 10.16, Section 10.05(b), first clause; following the words “following factors shall be” insert the words “indicative of but not conclusive” and delete the word “considered.”

Page 10.16, Section 10.05(b)(2); delete the period and add the words “such as soil conservation, farmland preservation or federal farm lending agencies.”

Page 10.17, Section 10.05(b)(7); delete the section and insert in lieu thereof the words “(7) Whether or not the farmer practices ‘custom farming’ on the land in question.”

Page 10.17, Section 10.05(b)(9); following the word “type” add a comma and insert the word “utility.”

Page 10.17, Section 10.05(b)(11), first sentence; following the word “sales” insert the words “for nonfarm uses.”

Page 10.17, Section 10.05(b)(12)(A); following the words “part of” insert the words “or appurtenant to.”
Page 10.17, Section 10.05(b)(12)(B); following the words "contiguous to" insert the words "or operated in common with."

Page 10.18, Section 10.05, subsection (c), the first sentence of which is amended in its entirety to read as follows: "Qualifying farmland and the structures situated thereon shall be subject to farm use valuation, with primary consideration being given to the income which the property might be expected to earn, in the locality wherein situate, if rented."

Page 10.18, Section 10.05(b)(12)(B); delete the semicolons and the words "it was purchased at the same time as the tract so used." Delete the period following the word "purposes" and add the words "or any nonfarm use."

Page 10.19, Section 10.05(c)(2); following the words "Provided, That no" delete the word "reason" and insert in lieu thereof the words "individual event."

Page 10.20, Section 10.05(c)(4)(C); following the words "(1,000) minimum production value" insert the words "or the small farm five hundred dollars ($500) minimum production and sale."

Page 10.23, Section 10.05(d)(3)(B), third sentence; following the word "If" insert the words "timber from." Delete the period following the word "purpose" and add the words "or is being converted to farm production uses."

Page 10.26, Section 10.05(f)(2) is amended in its entirety to read as follows:

"(2) Farm buildings.—Rental value of farm buildings and other improvements on the farmland shall be valued by determining the replacement cost of the building or structure by usual farm construction practices, and farm labor standards and subtracting therefrom depreciation.¹ Both of these determinations shall be made in accordance with the tax department’s real property appraisal manual² as filed in the state register in accordance with chapter 29A of the code of West Virginia, 1931, as amended, and as it relates to
agricultural buildings and structures. One (1) acre of
land shall be assigned to all buildings as a unit situate
on the property, regardless of the actual acreage
occupied by such buildings and shall be appraised at its
farm-use valuation based on the highest class of
farmland present on the farm.”

Page 10.28, Section 10.05(f)(3)(B)(1); following the
words “or more of the” insert the word “usual.”

Page 10.28, Section 10.05(f)(3)(B)(2); following the
words “(50%) of the” insert the word “usual.”

Page 10.29, Section 10.05(f)(3)(C)(1)(a); following the
words “(50%) or more of the” insert the word “usual.”

Page 10.29, Section 10.05(f)(3)(C)(1)(b); following the
words “(50%) of the” insert the word “usual.”

Page 10.31, Section 10.05(f)(3)(C)(2)(b); following the
last sentence insert the sentence “An individual em-
ployed other than in farming is not an unincorporated
business.”

Page 10.35, Section 10.07, Title; following the word
“Farmland” insert the words “and Structures Situated
Thereon.”

Page 10.35, Section 10.07(a), first sentence; following
the word “farmland” insert the words “and structures
situated thereon.”

Page 10.46, Subject; following the word “Farmland”
insert the words “and Structures Situated Thereon.”

(e) The legislative rules filed in the state register on
the twenty-second day of May, one thousand nine
hundred eighty-five, relating to the state tax commis-
ioner (rules governing the operation of a statewide
electronic data processing system network, to facilitate
administration of the ad valorem property tax on real
and personal property) are authorized.

(f) The legislative rules filed in the state register on
the twenty-sixth day of March, one thousand nine
hundred eighty-six, relating to the state tax commis-
sioner (listing of interests in natural resources for the
first statewide reappraisal; provision for penalties), are authorized.

(g) The legislative rules filed in the state register on the twenty-sixth day of March, one thousand nine hundred eighty-six, modified by the state tax commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twelfth day of February, one thousand nine hundred eighty-seven, relating to the state tax commissioner (review of appraisals by county commissions sitting as administrative appraisal review boards), are authorized.

(h) The legislative rules filed in the state register on the twenty-sixth day of March, one thousand nine hundred eighty-six, modified by the state tax commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twelfth day of February, one thousand nine hundred eighty-seven, relating to the state tax commissioner (review of appraisals by a circuit court on certiorari), are authorized with the following amendment:

On page 3, §18.3.1 is stricken in its entirety and a new §18.3.1 is inserted in lieu thereof to read as follows:

"18.3.1 Who May Request Review.—The property owner, Tax Commissioner, protestor or intervenor may request the county commission to certify the evidence and remove and return the record to the circuit court of the county on a writ of certiorari. Parties to the proceeding wherein review by the circuit court is sought shall pay costs and fees as they are incurred: Provided, That the circuit court upon rendering judgment or making any order may award costs to any party in accordance with the provisions of W. Va. Code §53-3-5."

(i) The legislative rules filed in the state register on the twenty-sixth day of March, one thousand nine hundred eighty-six, modified by the state tax commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twelfth day of February, one thousand
nine hundred eighty-seven, relating to the state tax
commissioner (administrative review of appraisals by
the state tax commissioner), are authorized.

(j) The legislative rules filed in the state register on
the eighteenth day of August, one thousand nine
hundred eighty-six, modified by the state tax commis-
sioner to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twelfth day of February, one thousand
nine hundred eighty-seven, relating to the state tax
commissioner (additional review and implementation of
property appraisals), are authorized.

(k) The legislative rules filed in the state register on
the eleventh day of August, one thousand nine hundred
eighty-six, relating to the state tax commissioner
(guidelines for assessors to assure fair and uniform
personal property values), are authorized.

(l) The legislative rules filed in the state register on
the eighteenth day of August, one thousand nine
hundred eighty-six, modified by the state tax commis-
sioner to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the tenth day of December, one thousand
nine hundred eighty-six, relating to the state tax
commissioner (registration of transient vendors), are
authorized.

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

(n) The legislative rules filed in the state register on
the fourteenth day of August, one thousand nine
hundred eighty-seven, modified by the state tax commis-
sioner to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the fourth day of November, one thousand
nine hundred eighty-seven, relating to the state tax commissioner (telecommunications tax) are authorized.

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

(p) The legislative rules filed in the state register on the seventeenth day of August, one thousand nine hundred eighty-seven, modified by the state tax commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of January, one thousand nine hundred eighty-eight, relating to the state tax commissioner (consumers sales and service tax and use tax) are authorized.

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

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

(s) The legislative rules filed in the state register on the second day of September, one thousand nine hundred eighty-eight, modified by the state tax commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-nine, relating to the state
tax commissioner (solid waste assessment fee) are
authorized.

(t) The legislative rules filed in the state register on
the twelfth day of August, one thousand nine hundred
eighty-eight, modified by the state tax commissioner to
meet the objections of the legislative rule-making review
commitee and refiled in the state register on the
twenty-first day of September, one thousand nine
hundred eighty-eight, relating to the state tax commis-
sioner (electronic data processing system network for
property tax administration) are authorized.

(u) The legislative rules filed in the state register on
the nineteenth day of September, one thousand nine
hundred eighty-eight, modified by the state tax commis-
sioner to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twenty-fourth day of February, one
thousand nine hundred eighty-nine, relating to the state
tax commissioner (exemption of property from ad
valorem property taxation) are authorized.

(v) The legislative rules filed in the state register on
the sixteenth day of September, one thousand nine
hundred eighty-eight, modified by the state tax commis-
sioner to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the thirteenth day of January, one thousand
nine hundred eighty-nine, relating to the state tax
commissioner (consumers sales and service tax and use
tax) are authorized.


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

(b) The legislative rules filed in the state register on
the third day of January, one thousand nine hundred
eighty-four, relating to the state board of investments
(administration of the consolidated fund) are autho-

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

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

(c) The legislative rules filed in the state register on the twenty-first day of December, one thousand nine hundred eighty-four, relating to the health care cost review authority (implementation of the utilization review and quality assurance program) are authorized.

(d) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred eighty-four, relating to the health care cost review authority (hospital cost containment methodology) are authorized.

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

(f) The legislative rules filed in the state register on the third day of September, one thousand nine hundred eighty-seven, modified by the West Virginia health care cost review authority to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of January, one thousand nine hundred eighty-eight, relating to the
West Virginia health care cost review authority (exceptions from certificate of need review) are authorized.

(g) The legislative rules filed in the state register on
the nineteenth day of September, one thousand nine
hundred eighty-eight, modified by the health care cost
review authority to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the twenty-first day of February, one
thousand nine hundred eighty-nine, relating to the
health care cost review authority (financial disclo-
sure) are authorized.

§64-2-5. Commissioner of highways.

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

Pages 3 and 7 after "40 CFR part 262" add the words
"as amended through March 8, 1986,

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

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

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

Page 16, Sec. 8.08, line 21 (unnumbered), by inserting
after the word “all” the following language: “reasonable
and necessary” and after the word “project” inserting
the following language: “by the Railroad”.

Page 16, Sec. 8.08, line 22, (unnumbered), after the
word “the” by striking the words “Railroad’s Chief”.

Page 19, Sec. 8.08, line 25, (unnumbered), by striking
“Railroad’s Chief” and adding the following new
Any approval by the Department of any activity by
the Contractor upon the right-of-way or premises of any
Railroad which is provided for in this Section
(8.08) (including, but not limited to, approval of work,
methods, or procedures of work to be done, and the
condition of premises after completion of work by the
Contractor) shall in no way create any liability by the
Department to the Railroad except to the extent
provided otherwise by law and the Contractor shall,
during all periods of construction and thereafter,
indemnify and save harmless the department from any
and all liability to the Railroad or any third parties for
any damages as a result of the work of the Contractor,
the methods and procedures for performing work, the
failure of the Contractor to properly remove equipment,
surplus material and other debris upon the Railroad
premises, or the condition of the premises of the
Railroad during construction or after completion of
construction by the Contractor as approved by the
Department or otherwise.

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

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

Page 19, Sec. 8.08 (c), line 18, (unnumbered), by
inserting after the word "occurrence" the following
language: "of"; and after the word "injury" insert a
comma and strike the word "or".

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

Page 5, by amending §3.01 by adding thereto a new subsection, designated subsection (4), to read as follows:

“(4) Before accepting hazardous waste from a rail transporter, a highway transporter must sign and date the manifest and provide a copy to the rail transporter.”

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

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

On page 18, the first line of §3.03 shall read as follows:

“3.03. Transporters who only accept Hazardous Waste from”.

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

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

(g) The legislative rules filed in the state register on the first day of December, one thousand nine hundred
eighty-seven, relating to the commissioner of highways
(construction and reconstruction of state roads) are
authorized.

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


(a) The legislative rules filed in the state register on
the second day of December, one thousand nine hundred
eighty-two, relating to the commissioner of motor
vehicles (denial of driving privileges), are authorized
with the amendments set forth below:

By inserting the words “licensed in the United States”
after the phrase “physician of the applicant’s choice,” on
page five, line two, and page seven, line one; and by
striking out the words “licensed vision specialist” and
inserting in lieu thereof the words “an optometrist or
ophthalmologist licensed in the United States,” on page
five, line three, and on page seven, line two.

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

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

(d) The legislative rules filed in the state register on
the sixteenth day of June, one thousand nine hundred
eighty-three, relating to the commissioner of motor
vehicles (compulsory insurance) are authorized.
(e) The legislative rules filed in the state register on the twentieth day of November, one thousand nine hundred eighty-four, relating to the commissioner of motor vehicles (titling a vehicle), are authorized.

(f) The legislative rules filed in the state register on the tenth day of September, one thousand nine hundred eighty-four, modified by the commissioner of motor vehicles to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of October, one thousand nine hundred eighty-four, relating to the commissioner of motor vehicles (compulsory motor vehicle liability insurance) are authorized.

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

(h) The legislative rules filed in the state register on the fifth day of August, one thousand nine hundred eighty-five, relating to the commissioner of motor vehicles (the administration and enforcement of motor vehicle inspections) are authorized.

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

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

(k) The legislative rules filed in the state register on
the seventeenth day of August, one thousand nine
hundred eighty-seven, modified by the commissioner of
motor vehicles to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the twenty-second day of September, one
thousand nine hundred eighty-seven, relating to the
commissioner of motor vehicles (denial, suspension,
revocation or renewal of driving privileges) are autho-
rized with the amendment set forth below:

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

And,

On page 14, section 8.1 by inserting the words “not
to exceed fifteen hours” after the word “course” and in
section 8.2 by inserting the words “not to exceed fifteen
hours” after the word “course”.

(l) The legislative rules filed in the state register on
the twenty-second day of November, one thousand nine
hundred eighty-eight, modified by the commissioner of
motor vehicles to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the twentieth day of January, one thousand
nine hundred eighty-nine, relating to the commissioner
of motor vehicles (denial, suspension, revocation or
nonrenewal of driving privileges) are authorized.

§64-2-7. Department of natural resources.

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

Page 3-4, §3E.01 by adding after the word “engineer” the words “or licensed land surveyor.”

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

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

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

Page 9, section 4.04, line five, add the following paragraph:

“Upon request of any applicant, the division shall meet with the applicant for prefiling review of the application. The division, with the cooperation of the solid waste authority, shall assist the applicant in preparing a complete and proper application which would not be rejected as incomplete.”

On page 15, section 6.03 (c) (1) in the first full sentence, after the word “cease”, strike the remainder of the sentence and insert in lieu thereof the words “within fifteen (15) days of receipt of an order of suspension” and in the second sentence strike the word “recommence” and insert the words “continue beyond fifteen (15) days”; (c)(2) in the first full sentence, after the word “cease” by striking out the remainder of the sentence and insert in lieu thereof the words “immediately upon receipt of an order of revocation.”

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

(d) The legislative rules filed in the state register on the seventh day of November, one thousand nine
hundred eighty-four, relating to the department of natural resources (surface mining reclamation) are authorized.

(e) The legislative rules filed in the state register on the seventh day of November, one thousand nine hundred eighty-four, relating to the department of natural resources (coal refuse disposal) are authorized.

(f) The legislative rules filed in the state register on the ninth day of November, one thousand nine hundred eighty-four, relating to the department of natural resources (transfer of the state national pollutant discharge elimination system program), are authorized with the amendments set forth below:

Page 10-5, by striking § 10B.19 and inserting in lieu thereof a new § 10B.19, to read as follows: "Effluent limitations guidelines means a regulation published by the Administrator under Section 304(b) or Section 301(b)(1)(B) of the CWA to adopt or revise effluent limitations or levels of effluent quality attainable through the application of secondary or equivalent treatment. For the coal industry these regulations are published at 40 C.F.R. Parts 434 and 133. (See: Appendix G and H)"

(g) The legislative rules filed in the state register on the twenty-eighth day of August, one thousand nine hundred eighty-four, relating to the department of natural resources (small arms hunting) are authorized.

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

(i) The legislative rules filed in the state register on the third day of December, one thousand nine hundred eighty-four, modified by the department of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of February, one thousand nine hundred eighty-five, relating to the department of
natural resources (hazardous waste management), are
authorized.

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

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

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

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

(m) The legislative rules filed in the state register on
the twenty-sixth day of September, one thousand nine
hundred eighty-six, modified by the department of
natural resources to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the ninth day of December, one thousand
nine hundred eighty-six, relating to the department of
natural resources (hazardous waste management regu-
lations), are authorized.

(n) The legislative rules filed in the state register on
the seventh day of August, one thousand nine hundred
eighty-six, relating to the director of the department of
natural resources (procedures for transporting and
dealing in furbearing animals), are authorized.

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

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

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

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

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

(r) The legislative rules filed in the state register on the tenth day of June, one thousand nine hundred eighty-seven, relating to the director of the department of natural resources (outfitters and guides) are authorized.

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

(t) The legislative rules filed in the state register on the fifth day of March, one thousand nine hundred eighty-seven, relating to the department of natural resources (hazardous waste management regulations,
(u) The legislative rules filed in the state register on the seventh day of December, one thousand nine hundred eighty-seven, relating to the department of natural resources (hazardous waste management regulations, series 35) are authorized.

(v) The legislative rules filed in the state register on the sixteenth day of December, one thousand nine hundred eighty-seven, modified by the department of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourteenth day of January, one thousand nine hundred eighty-eight, relating to the department of natural resources (solid waste management) are authorized.

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

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

(x) The legislative rules filed in the state register on the second day of September, one thousand nine hundred eighty-eight, modified by the department of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the seventeenth day of October, one thousand nine hundred eighty-eight, relating to the department of natural resources (hazardous waste management) are authorized.
(y) The legislative rules filed in the state register on the thirty-first day of August, one thousand nine hundred eighty-eight, relating to the director of the department of natural resources (boating) are authorized.

(z) The legislative rules filed in the state register on the eighth day of March, one thousand nine hundred eighty-eight, modified by director of the department of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirtieth day of August, one thousand nine hundred eighty-eight, relating to the director of the department of natural resources (commercial sale of wildlife) are authorized.

(aa) The legislative rules filed in the state register on the twenty-seventh day of January, one thousand nine hundred eighty-eight, relating to the director of the department of natural resources (catching and selling bait fish) are authorized.

(bb) The legislative rules filed in the state register on the twenty-fifth day of March, one thousand nine hundred eighty-eight, relating to the director of the department of natural resources (West Virginia public hunting and fishing areas) are authorized with the following amendment:

On page three, section 3.8.4, by inserting after the word "vehicle" the following "all terrain vehicle (ATV)".

§64-2-8. Department of energy.

(a) The legislative rules filed in the state register on the thirty-first day of March, one thousand nine hundred eighty-two, relating to the department of mines (energy) (mine safety program), are authorized.

(b) The legislative rules filed in the state register on the seventeenth day of August, one thousand nine hundred eighty-three, relating to the department of energy (governing the safety of those employed in and around surface mines), are authorized.
(c) The legislative rules filed in the state register on the seventh day of December, one thousand nine hundred eighty-three, relating to the office of oil and gas, department of mines (energy), (oil and gas and other wells) are authorized with the amendment set forth below:

Page viii, place an * in front of section 32.02.

Page ix, after section 35.04 add the following:

"35.05 Extra Powers of the Administrator . . . . . . 64."

Page 1, section 1.03 in the list of additional regulations, add 35.05; in the list of revised regulations, add 32.02, 32.03 and 33.00.

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

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

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

Page 64, after section 35.04 add the following section:

35.05 Extra powers of the Administrator.

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

(d) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of
the department of energy (oil and gas wells and other wells), are authorized.

(e) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the oil and gas division of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (certification of gas wells), are authorized.

(f) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (underground injection control), are authorized.

(g) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (state national pollutant discharge elimination system (NPDES) program), are authorized.

(h) The legislative rules filed in the state register on the fourteenth day of November, one thousand nine hundred eighty-six, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixteenth day of December, one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (standards for certification of coal mine electricians), are authorized with the following amendments:

"Page one, §2.1, subsection (a), following the second word, 'electrician' by striking the colon and inserting the following: 'under the supervision required by section 4.1(d) of these rules' and a colon."

Page one, §2.1, subsection (a), by deleting all of subdivision (6) and renumbering the subsequent subdivisions.

Page two, §2.1, subsection (a), by deleting all of subdivision (9).

Page two, §2.1, subsection (b), by deleting all of subdivision (14) and inserting in lieu thereof a new subdivision (14) to read as follows: '(14) Replace blown fuses on trolley poles and nips.'

Page five, §4.1, subsection (d), line three, following the words 'certified electrician prior' by inserting the words 'to any work being performed and again prior'."

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

(j) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the commissioner of the department of energy (miscellaneous water pollution control), are authorized.
(k) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the commissioner of the department of energy (dam control), are authorized.

(l) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the commissioner of the department of energy (solid waste management), are authorized.

(m) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the commissioner of the department of energy (hazardous waste management), are authorized.

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

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

(p) The legislative rules filed in the state register on the ninth day of April, one thousand nine hundred eighty-seven, relating to the commissioner of the department of energy (performance standards for blasting on surface mines) are authorized.
(q) The legislative rules filed in the state register on the twelfth day of January, one thousand nine hundred eighty-seven, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of February, one thousand nine hundred eighty-seven, relating to the commissioner of the department of energy (state national pollutant discharge elimination system (NPDES) for mines and minerals), are authorized.

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

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

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

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

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

(t) The legislative rules filed in the state register on the twentieth day of January, one thousand nine hundred eighty-eight, modified by the commissioner of the department of energy to meet the objections of the
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204 legislative rule-making review committee and refiled in
205 the state register on the twenty-eighth day of November,
206 one thousand nine hundred eighty-eight, relating to the
207 commissioner of the department of energy (abandoned
208 mine reclamation) are authorized.


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

6 (b) The legislative rules filed in the state register on
7 the seventh day of December, one thousand nine
8 hundred eighty-three, relating to the department of
9 labor (hazardous chemical substances) are authorized.

10 (c) The legislative rules filed in the state register on
11 the second day of February, one thousand nine
12 eighty-four, relating to the department of labor (poly-
13 graph examinations) are authorized

14 (d) The legislative rules filed in the state register on
15 the twenty-second day of December, one thousand nine
16 hundred eighty-seven, relating to the commissioner of
17 labor (West Virginia occupational safety and health act)
18 are authorized.

19 (e) The legislative rules filed in the state register on
20 the twenty-second day of December, one thousand nine
21 hundred eighty-seven, modified by the commissioner of
22 labor to meet the objections of the legislative rule-
23 making review committee and refiled in the state
24 register on the twentieth day of January, one thousand
25 nine hundred eighty-eight, relating to the commissioner
26 of labor (wage payment and collection act) are
27 authorized.

28 (f) The legislative rules filed in the state register on
29 the sixteenth day of November, one thousand nine
30 hundred eighty-seven, relating to the commissioner of
31 the department of labor (standards for weights and
32 measures inspectors—adoption of NBS Handbook 130,
33 1987) are authorized.
(g) The legislative rules filed in the state register on the twelfth day of January, one thousand nine hundred eighty-eight, relating to the commissioner of labor (steam boiler inspection fee schedule) are authorized.

(h) The legislative rules filed in the state register on the thirteenth day of September, one thousand nine hundred eighty-eight, modified by the department of labor to meet the objections of the legislative rule-making review committee and refiled in the state register on the seventh day of December, one thousand nine hundred eighty-eight, relating to the department of labor (amusement rides and amusement attractions safety act) are authorized.

§64-3-10. Insurance commissioner.

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

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

(c) The legislative rules filed in the state register on the twentieth day of February, one thousand nine hundred eighty-seven, relating to the insurance commissioner (West Virginia essential property insurance association) are authorized.

(d) The legislative rules filed in the state register on the twenty-ninth day of May, one thousand nine hundred eighty-seven, relating to the insurance commissioner (medical malpractice annual reporting requirements) are authorized.

(e) The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred
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26 eighty-seven, modified by the insurance commissioner to
27 meet the objections of the legislative rule-making review
28 committee and refiled in the state register on the
29 seventh day of November, one thousand nine-hundred
30 eighty-seven, relating to the insurance commissioner
31 (medical malpractice loss experience and loss expense
32 reporting requirements) are authorized.
33
34 (f) The legislative rules filed in the state register on
35 the thirtieth day of November, one thousand nine
36 hundred eighty-eight, modified by the insurance com-
37 missioner to meet the objections of the legislative rule-
38 making review committee and refiled in the state
39 register on the twenty-first day of February, one
40 thousand nine hundred eighty-nine, relating to the
41 insurance commissioner (transitional requirements for
42 the conversion of medicare supplement insurance
43 benefits and premiums to conform to medicare program
44 revisions) are authorized.


(a) The legislative rules filed in the state register on
the sixth day of December, one thousand nine hundred
eighty-four, relating to the attorney general (third party
dispute mechanisms) are authorized.

(b) The legislative rules filed in the state register on
the ninth day of January, one thousand nine hundred
eighty-five, relating to the attorney general (fair
treatment of crime victims and witnesses) are
authorized.

(c) The legislative rules filed in the state register on
the nineteenth day of September, one thousand nine
hundred eighty-six, modified by the attorney general to
meet the objections of the legislative rule-making review
committee and refiled in the state register on the first
day of December, one thousand nine hundred eighty-six,
relating to the attorney general (prevention of unfair or
deceptive acts or practices in home improvement and
home construction transactions), are authorized. These
rules were proposed by the attorney general pursuant
to section one hundred three, article six and section one
hundred two, article seven of chapter forty-six-a of this
code with the following amendments:

"Amending the title to the proposed legislative rule wherever said title may appear, on lines three and four thereof, by striking the words 'and home construction'.

On the index page following '3.' by striking the words 'and home construction'.

On page 1, §1.2, line three, after the first word 'transactions' on line three, by striking the comma and the words 'and home construction transactions' and on line five, by striking the period and inserting the words 'but shall not cover new construction of single-family dwellings or rebuilding all or substantially all of an existing or preexisting single-family dwelling.'

Page 2, section 2.2 by striking all of lines seven and eight and inserting in lieu thereof the following:

'unless: (a) it appears in printed or typed face larger than the largest type used in the written contract, apart'.

On page 2, section 2.4, by striking all of section 2.4 and inserting in lieu thereof a new section 2.4, to read as follows:

'2.4 "Home Construction" means, for the purpose of this Rule, the repair, remodeling or the building of additions to existing single-family dwelling units, including single-family homes, condominium units or any other dwelling unit to be used by any person primarily for personal or family use, but shall not include new single-family home construction or the rebuilding of all or substantially all of an existing or preexisting single-family dwelling.'

Page 3, section 2.6, on line two thereof, after the second comma by inserting the word 'replacement'.

Page 3, section 3., by striking the words 'and home construction' from the section heading.

Page 3, section 3.1, lines one and two, by striking the words 'or home construction'.

Page 4, section 3.1.4, on lines one and two thereof, by
striking the words 'or home construction'.

Page 4, section 3.1.8, on line two thereof, by striking the words 'or home construction'.

Page 4, section 3.1.9, on lines two and three thereof, by striking the words 'or home construction'.

Page 5, section 3.1.12, on lines one and two thereof, by striking the words 'or home construction'.

Page 6, section 3.1.26, by striking all of section 3.1.26 and renumbering the subsequent subsections.

Page 7, section 3.1.29, on lines one and two thereof, by striking the words 'or home construction'.

Page 7, section 3.1.29, on line six thereof, following the word 'contract' by inserting a period and striking the remainder of the section.

Page 7, following section 3.1.29 by adding a new section to be designated section 3.1.29, to read as follows:

Page 7, section 3.2, on lines two and three thereof, by striking the words 'or home solicitation sale of home construction' and the comma on line three.

Page 9, section 4.1, on line eight thereof, by deleting the period and inserting the following:

'to the extent permitted by statute' and a period."

Page 10, section 4.2, on line 9 thereof, by striking the period and inserting the following:

"to the extent permitted by statute" and a period.

(d) The legislative rules filed in the state register on the twenty-third day of September, one thousand nine hundred eighty-six, modified by the attorney general to
meet the objections of the legislative rule-making review committee and refiled in the state register on the first day of December, one thousand nine hundred eighty-six, relating to the attorney general (prevention of unfair or deceptive acts or practices in the sale of damaged goods or products), are authorized.

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

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

And,

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

And,

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

And,

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

§64-2-12. West Virginia library commission.

The legislative rules filed in the state register on the twenty-second day of October, one thousand nine hundred eighty-five, modified by the West Virginia library commission to meet the objections of the legislative rule-making review committee and refiled in
the state register on the twelfth day of November, one
thousand nine hundred eighty-five, relating to the West
Virginia library commission (designating a grace period
for the return of library materials) are authorized.


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


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

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

(b) The legislative rules filed in the state register on
the twenty-second day of June, one thousand nine
hundred eighty-four, modified by the department of
public safety to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the fifth day of December, one thousand nine
hundred eighty-four, relating to the department of
public safety (commission on drunk driving) are
authorized.


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

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

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

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

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

Page 3, §1.06, change the § title from “Enforcement” to “Procedure”; place an “(a)” in front of the existing paragraph and add the following:

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

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

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

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

(g) The legislative rules filed in the state register on the thirtieth day of December, one thousand nine hundred eighty-eight, modified by the air pollution control commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of February, one thousand nine hundred eighty-nine, relating to the air pollution control commission (prevention and control of air pollution from hazardous waste treatment, storage or disposal facilities) are authorized.

(h) The legislative rules filed in the state register on the thirtieth day of December, one thousand nine hundred eighty-eight, modified by the air pollution control commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of February, one thousand nine hundred eighty-nine, relating to the air pollution control commission (good engineering practice as applicable to stack heights) are authorized.

(i) The legislative rules filed in the state register on the thirtieth day of December, one thousand nine hundred eighty-eight, modified by the air pollution control commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of February, one thousand nine hundred eighty-nine, relating to the air pollution control commission (TP-2, compliance test procedures for regulation 2—to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers) are authorized.


The legislative rules filed in the state register on the tenth day of June, one thousand nine hundred eighty-six, modified by the West Virginia hospital finance authority to meet the objections of the legislative rule-making review committee and refiled in the state
§64-2-17. Teachers retirement board.

The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-two, relating to the teachers retirement board, are authorized with the following amendments:

Section VI, subsection 6, D, (a)(ii) of the rules is to be amended on line two by striking out the words "(3) thru (7)" and inserting in lieu thereof the words "(3) thru (13)"; Section VII, subsection 7, B, (c) of the rules is to be amended on line three after the word "100" by striking out the word "consecutive," and by redesignating the subsection as subsection "(a)"; and Section X, subsection 10, A, (c), of the rules is to be amended on line one after the word "physicians," by striking out the words "of member's choice," and inserting in lieu thereof the words "one selected by the Board and one selected by the member."


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

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

(c) The legislative rules filed in the state register on the eighth day of February, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (conduct of beef industry self-improvement assessment program referendum) are authorized.

(d) The legislative rules filed in the state register on
the fourth day of June, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (feeding untreated garbage to swine) are authorized.

(e) The legislative rules filed in the state register on the fourth day of June, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (registration, taxation and control of dogs) are authorized.

(f) The legislative rules filed in the state register on the first day of November, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (public markets) are authorized.

(g) The legislative rules filed in the state register on the tenth day of September, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (noxious weed rules) are authorized.

(h) The legislative rules filed in the state register on the fourth day of June, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (animal disease control) are authorized.

(i) The legislative rules filed in the state register on the fifth day of January, one thousand nine hundred eighty-four, relating to the commissioner of agriculture (use of certain picloram products) are authorized.

(j) The legislative rules filed in the state register on the eighth day of March, one thousand nine hundred eighty-five, relating to the commissioner of agriculture (increasing certain fees by rules and regulations) are authorized.

(k) The legislative rules filed in the state register on the thirteenth day of January, one thousand nine hundred eighty-six, modified by the commissioner of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirty-first day of January, one thousand nine hundred eighty-six, relating to the commissioner of agriculture (licensing of livestock dealers) are authorized.
(l) The legislative rules filed in the state register on the eighteenth day of June, one thousand nine hundred eighty-six, modified by the commissioner of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred eighty-seven, relating to the commissioner of agriculture (West Virginia pesticide use and application act), are authorized.

(m) The legislative rules filed in the state register on the eighteenth day of August, one thousand nine hundred eighty-six, modified by the director of the division of forestry of the department of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred eighty-seven, relating to the director of the division of forestry of the department of agriculture (ginseng), are authorized.

(n) The legislative rules filed in the state register on the tenth day of April, one thousand nine hundred eighty-seven, relating to the commissioner of agriculture (schedule of charges for inspection services: fruit) are authorized.

(o) The legislative rules filed in the state register on the thirteenth day of August, one thousand nine hundred eighty-seven, modified by the commissioner of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of September, one thousand nine hundred eighty-seven, relating to the commissioner of agriculture (animal disease control) are authorized.

(p) The legislative rules filed in the state register on the fifteenth day of September, one thousand nine hundred eighty-eight, relating to the commissioner of agriculture (sale and distribution of commercial fertilizer) are authorized.

(q) The legislative rules filed in the state register on the fifteenth day of September, one thousand nine hundred eighty-eight, modified by the commissioner of
agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of October, one thousand nine hundred eighty-eight, relating to the commissioner of agriculture (animal disease control) are authorized.


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

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

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

(d) The legislative rules filed with the legislative rule-making review committee on the tenth day of January, one thousand nine hundred eighty-three, relating to the West Virginia racing commission (Rule 107), are authorized.

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

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

(g) The legislative rules filed in the state register on the twentieth day of September, one thousand nine hundred eighty-three, relating to the West Virginia racing commission (Rule 108) greyhound racing are authorized with the amendment set forth below:
Following the word "Association" insert a period and strike the remainder of the sentence.

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

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

(i) The legislative rules filed in the state register on the twentieth day of September, one thousand nine hundred eighty-three, relating to the West Virginia racing commission (Rule 392) greyhound racing, are authorized.

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

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

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

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

(n) The legislative rules filed in the state register on the ninth day of November, one thousand nine hundred eighty-four, relating to the West Virginia racing commission (greyhound racing — Rule 628), are
(o) The legislative rules filed in the state register on the twenty-fifth day of September, one thousand nine hundred eighty-four, relating to the West Virginia racing commission (greyhound racing — Rule 672) are authorized.

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

(q) The legislative rules filed in the state register on the twenty-fifth day of September, one thousand nine hundred eighty-four, relating to the West Virginia racing commission (thoroughbred racing — Rule 843), are authorized.

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

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

(t) The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred eighty-seven, modified by the West Virginia racing commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighteenth day of December, one thousand nine hundred eighty-seven, relating to the West Virginia racing commission (thoroughbred racing) are authorized with the amendments set forth below:
On page fifty-five, Section 61.3(f), by striking all of subsection (f) and inserting in lieu thereof the existing provisions of subsection (f) as contained in 178 CSR 1, which reads as follows:

All moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the horse race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the Racing Commission within fifteen (15) days after the expiration of such ninety (90) day period and the licensee shall give such information as the Racing Commission may require concerning such outstanding and unredeemed tickets; viz. The outs ledger enumerating all outstanding tickets at the close of each meeting, to contain a record of all tickets redeemed in the ninety (90) day following period, together with all redeemed tickets which shall bear the stamp of the cashier(s) making redemption: A stamp indicating “Outs Ticket.” In addition, a statement to accompany said ledger and tickets, setting forth the quantity and amount of each denomination redeemed in the ninety (90) day period, with a grand total indicating the sum paid in “Outs.” This sum subtracted from the outs on the closing day to equal the remittance of the Association in settlement of the “Out” account for the meeting.

(a) The legislative rules filed in the state register on the ninth day of September, one thousand nine hundred eighty-eight, relating to the West Virginia racing commission (thoroughbred racing) are authorized.

(v) The legislative rules filed in the state register on the eighteenth day of January, one thousand nine hundred eighty-nine, modified by the West Virginia racing commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of February, one thousand nine hundred eighty-nine, relating to the West Virginia racing commission (greyhound racing) are authorized.

§64-2-20. Water resources board.
(a) The legislative rules filed in the state register on the sixth day of January, one thousand nine hundred eighty-three, relating to the state water resources board (underground injection control program), are authorized.

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

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

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

(c) The Legislature hereby authorizes and directs the state water resources board to promulgate rules relating to water quality standards in exact conformity with the rules relating to water quality standards tendered to the secretary of state on the seventh day of March, one thousand nine hundred eighty-four, by the executive secretary of the state water resources board, to be received and filed for inclusion in the state register by the secretary of state.

(f) The legislative rules filed in the state register on the seventeenth day of October, one thousand nine hundred eighty-five, and modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-seven, relating to the state water resources board (special regulations), are authorized.

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

(h) The legislative rules filed in the state register on the seventeenth day of October, one thousand nine hundred eighty-five, modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of January, one thousand nine hundred eighty-seven, and further modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-seven, relating to the state water resources board (water quality standards), are authorized.

(i) The legislative rules filed in the state register on the seventeenth day of October, one thousand nine hundred eighty-five, modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of January, one thousand nine hundred eighty-seven, and further modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-seven, relating to the state water resources board (state national pollutant discharge elimination system (NPDES) program), are authorized.

(j) The legislative rules filed in the state register on the seventeenth day of October, one thousand nine hundred eighty-five, and modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-seven, relating to the state water resources board (underground injection control program), are authorized.
(k) The legislative rules filed in the state register on the seventeenth day of October, one thousand nine hundred eighty-five, and modified by the state water resources board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-seven, relating to the state water resources board (special regulations), are authorized.

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

(m) The legislative rules filed in the state register on the fourteenth day of October, one thousand nine hundred eighty-eight, relating to the water resources board (water quality standards) are authorized.


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

(b) The legislative rules filed in the state register on the twenty-fifth day of October, one thousand nine hundred eighty-four, relating to the workers' compensation commissioner (time limits for the administrative proceedings of adjudications and awards) are authorized.

(c) The legislative rules filed in the state register on the twenty-fifth day of October, one thousand nine hundred eighty-four, modified by the workers' compensation commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of January, one thousand nine hundred eighty-five, relating to the workers' compensation commissioner (self-insured employers) are authorized.

(d) The legislative rules filed in the state register on
the twenty-fifth day of October, one thousand nine hundred eighty-four, modified by the workers' compensation commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of December, one thousand nine hundred eighty-four, relating to the workers' compensation commissioner (payment of attorney's fees) are authorized.

(e) The legislative rules filed in the state register on the sixth day of August, one thousand nine hundred eighty-five, relating to the workers' compensation commissioner (standards for medical examination in occupational pneumoconiosis claims) are authorized with the amendments set forth below:

On page 1, the second and third unnumbered paragraphs on page one are amended to read as follows:

When two or more ventilatory function tests performed in reasonably close proximity in time produce differing but acceptable results, the Commissioner, at the request of the O. P. Board, may direct the parties to furnish additional evidence and/or order additional testing at the laboratory utilized by the O. P. Board or other laboratories, all for the purpose of determining whether any of the results are unreliable or incorrect or are clearly attributable to some identifiable disease or illness other than occupational pneumoconiosis.

When blood gas studies are performed and abnormal values are obtained and thereafter new blood gas studies are performed and normal or significantly higher values are further obtained, the Commissioner, at the request of the O. P. Board, may direct the parties to furnish additional evidence and/or order additional studies at the laboratory utilized by the O. P. Board or other laboratories, all for the purpose of determining whether any of the values are unreliable or incorrect or are clearly attributable to some identifiable disease or illness other than occupational pneumoconiosis.

And on page 7, paragraph (11) is amended to read as follows:
It is recognized that arterial blood gas studies done in laboratories throughout this state are obtained at different altitudes. Only by "standardizing" for altitude can an equitable assessment be made of impairment when values of arterial oxygen are being measured at remarkably different altitudes. Therefore, the results reported from laboratories should include the name of the laboratory and the date and time of the testing, altitude of the laboratory and barometric pressure at the laboratory on the day the samples were collected. The O. P. Board will evaluate the arterial blood gas values by converting those values to the average altitude of Charleston, West Virginia. For this purpose, it shall be sufficient to add 1 mmHg to each arterial oxygen tension for each 300 feet or fraction thereof that the testing laboratory is located above the average altitude of Charleston, because the relationship of barometric pressure (altitude) and alveolar oxygen is approximately linear up to 4,000 feet as long as the subject breathes room air.

As an example, Bluefield is located approximately 2,600 feet above sea level. Charleston is approximately 600 feet above sea level. Thus, arterial oxygen values obtained in Bluefield should have 6.67 mmHg added to them before applying the table to them to obtain "percent impairment." The calculations are as follows:

"Bluefield (2,600') minus Charleston (600') equals 2,000' differential 2,000' divided by 300' altitude equals 6.67

6.67 multiplied by 1 mmHg per 300' altitude equals 6.67 mmHg."

(f) The legislative rules filed in the state register on the ninth day of August, one thousand nine hundred eighty-five, modified by the workers' compensation commissioner to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of January, one thousand nine hundred eighty-six, relating to the workers' compensation commissioner (administration of the coal-workers' pneumoconiosis fund) are authorized.

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


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

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

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

(b) The legislative rules filed in the state register on the first day of August, one thousand nine hundred eighty-six, modified by the state fire commission to meet the objection of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of October, one thousand nine hundred eighty-six, relating to the state fire commission (hazardous substance emergency response training program), are authorized.

(c) The legislative rules filed in the state register on the sixth day of September, one thousand nine hundred eighty-eight, modified by the state fire commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of December, one thousand nine hundred eighty-eight, relating to the state fire commission (state building code) are authorized.

(a) The legislative rules filed in the state register on the nineteenth day of November, one thousand nine hundred eighty-six, modified by the civil service commission to meet the objection of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the civil service commission (civil service system), are authorized.

(b) The legislative rules filed in the state register on the first day of November, one thousand nine hundred eighty-eight, modified by the civil service commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of February, one thousand nine hundred eighty-nine, relating to the civil service commission (civil service system) are authorized with the amendments set forth below:

On page fifteen, section 5.05(d), after the words "established in" by striking out the remainder of the sentence and inserting in lieu thereof the words "Chapter 29-6A of the Code of West Virginia, as amended."

On page fifteen, section 5.06, after the words "established in" by striking out the remainder of the sentence and inserting in lieu thereof the words "Chapter 29-6A of the Code of West Virginia, as amended."

And

On pages sixteen and seventeen by deleting all of section 5.07.

And

On page 46, section 13(f) line 2 by striking the words "previously held".

§64-2-25. Secretary of state.

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

(b) The legislative rules filed in the state register on
the seventeenth day of August, one thousand nine
hundred eighty-seven, modified by the secretary of state
to meet the objections of the legislative rule-making
review committee and refiled in the state register on the
twenty-third day of September, one thousand nine
hundred eighty-seven, relating to the secretary of state
standard size and format for rules and procedures for
publication of the state register or parts of the state
register) are authorized.

§64-2-26. West Virginia state board of registration for
professional engineers.

(a) The legislative rules filed in the state register on
the twenty-ninth day of November, one thousand nine
hundred eighty-five, modified by the West Virginia
state board of registration for professional engineers to
meet the objections of the legislative rule-making review
committee and refiled in the state register on the
twenty-eighth day of January, one thousand nine
hundred eighty-six, relating to the West Virginia state
board of registration for professional engineers (legisla-
tive rules governing the West Virginia state board of
registration for professional engineers) are authorized.

(b) The legislative rules filed in the state register on
the twenty-third day of December, one thousand nine
hundred eighty-seven, modified by the West Virginia
state board of registration for professional engineers to
meet the objections of the legislative rule-making review
committee and refiled in the state register on the
twenty-ninth day of January, one thousand nine hundred
eighty-eight, relating to the West Virginia state board
of registration for professional engineers (rules of the
West Virginia state board of registration for profes-
sional engineers) are authorized.

1 The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred eighty-seven, modified by the state board of examiners of land surveyors to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of January, one thousand nine hundred eighty-eight, relating to the state board of examiners of land surveyors (practice of land surveying in West Virginia) are authorized.

§64-2-28. State boards of examination or registration; West Virginia board of chiropractic examiners.

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

§64-2-29. Radiologic technology board of examiners.

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

§64-2-30. Board of medicine.

1 (a) The legislative rules filed in the state register on the twelfth day of May, one thousand nine hundred eighty-three, relating to the board of medicine (licensing, disciplinary and complaint procedures; podiatry; physicians assistants) are authorized with the modifications set forth below:
2 §24.12.
3 (b) It shall be the responsibility of the supervising physician to obtain consent in writing from the patient...
before Type A physician assistants employed in a satellite clinic may render general medical or surgical services, except in emergencies.

§24.16.

(c) No physician assistant shall render nonemergency outpatient medical services until the patient has been informed that the individual providing care is a physician assistant."

(b) The legislative rules filed in the state register on the twenty-sixth day of November, one thousand nine hundred eighty-five, modified by the board of medicine to meet the objections of the legislative rule-making review committee and refiled in the state register on the seventeenth day of January, one thousand nine hundred eighty-six, relating to the board of medicine (licensing, disciplinary and complaint procedures; podiatry; physician assistants) are authorized.

(c) The legislative rules filed in the state register on the eighth day of March, one thousand nine hundred eighty-five, modified by the West Virginia board of medicine to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighteenth day of December, one thousand nine hundred eighty-five, relating to the West Virginia board of medicine (rules governing the approval of medical schools not accredited by the liaison committee on medical education) are authorized.

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

(e) The legislative rules filed in the state register on the sixteenth day of September, one thousand nine hundred eighty-eight, modified by the board of medicine to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of February, one thousand nine hundred eighty-nine, relating to the board of medicine (dispensing of legend drugs by physicians and podia-
trists) are authorized with the following amendments:

Section 2.6 to read as follows: Dispense means to deliver a legend drug to an ultimate user or research subject by or pursuant to the lawful order of a physician or podiatrist, including the prescribing, packaging, labeling, administering or compounding necessary to prepare the drug for that delivery.

Section 3.3 to read as follows: Physicians or podiatrists who are not registered with the Board as dispensing physicians may not dispense legend drugs. However, the following activities by a physician or podiatrist shall be exempt from the requirements of section 3 through 8 applicable to dispensing physicians:

a. Legend drugs administered to the patient, which are not controlled substance when an appropriate record is made in the patient's chart.

b. Professional samples distributed free of charge by a physician or podiatrist or certified physician assistant under his or her supervision to the patient when an appropriate record is made in the patient's chart; or

c. Legend drugs which are not controlled substances provided by free clinics or under West Virginia state authorized programs, including the medicaid, family planning, maternal and child health, and early and periodic screening and diagnosis and treatment programs: Provided however, That all labeling provisions of section 8 shall be applicable except the requirements of section 3.3 (a).

§64-2-31. Board of embalmers and funeral directors.

(a) The legislative rules filed in the state register on the twenty-seventh day of July, one thousand nine hundred eighty-four, modified by the board of embalmers and funeral directors to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of January, one thousand nine hundred eighty-five, relating to the board of embalmers and funeral directors (apprenticeship), are authorized.
(b) The legislative rules filed in the state register on the sixteenth day of October, one thousand nine hundred eighty-five, modified by the board of embalmers and funeral directors to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighteenth day of July, one thousand nine hundred eighty-six, relating to the board of embalmers and funeral directors (governing the board of embalmers and funeral directors), are authorized.

§64-2-32. Board of examiners for registered professional nurses.

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

§64-2-33. West Virginia board of examiners for licensed practical nurses.

(a) The legislative rules filed in the state register on the thirtieth day of July, one thousand nine hundred eighty-six, modified by the West Virginia board of examiners for licensed practical nurses to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirtieth day of September, one thousand nine hundred eighty-six, relating to the West Virginia board of examiners for licensed practical nurses (policies relating to licensure of the licensed practical nurse), are authorized.

(b) The legislative rules filed in the state register on the thirtieth day of July, one thousand nine hundred eighty-six, relating to the West Virginia board of examiners for licensed practical nurses (legal standards of nursing practice for the licensed practical nurse), are authorized.

(c) The legislative rules filed in the state register on the thirtieth day of July, one thousand nine hundred eighty-six, relating to the West Virginia board of
examiners for licensed practical nurses (fees for services rendered by the board), are authorized.

§64-2-34. West Virginia housing development fund.

The legislative rules filed in the state register on the twenty-seventh day of December, one thousand nine hundred eighty-two, relating to the West Virginia housing development fund (single-family mortgage loans), are authorized.


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

(b) The legislative rules filed in the state register on the ninth day of May, one thousand nine hundred eighty-eight, modified by the jail and prison standards commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of February, one thousand nine hundred eighty-nine, relating to the jail and prison standards commission (West Virginia minimum standards for construction, operation and maintenance of holding facilities) are authorized.

(c) The legislative rules filed in the state register on the eighteenth day of March, one thousand nine hundred eighty-eight, modified by the jail and prison standards commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of February, one thousand nine hundred eighty-nine, relating to the jail and prison standards commission (West Virginia minimum standards for construction, operation and maintenance of prisons) are authorized.

(d) The Legislature hereby authorizes and directs the jail and prison standards commission to amend its rules relating to West Virginia minimum standards for construction, operation, and maintenance of jails which
were filed in the code of state regulations (95 CSR 1)
on the fifth day of April, one thousand nine hundred
eighty-eight, with the following amendments set forth
below:

On page 7, §8.10 by striking out in the first sentence,
after the word "house", the following words: "no less
than four (4) and

On page 30 by adding a new section 17.21 to read as
follows:

17.21 Visitation to Home County. To the extent that
the previous subsections provide requirements for
visitation with inmates housed in regional jail facilities,
it is the intent that such requirements apply only to
visitation provided in a regional jail facility. When
visitation with family and friends is required to be
provided to a person incarcerated in a regional jail
facility in a location other than the regional jail, the
following provisions shall apply:

17.21.1 The regional jail need not assume the respon-
sibility for transportation to the home county seat of a
person incarcerated in the regional jail facility for
visitation with their family and friends unless that
person has had no visits from family and friends in the
previous three months.

17.21.2 In providing any transportation under subsec-
tion 17.21.1 the regional jail has the right to schedule
such transportation for visits with family and friends of
the person incarcerated in a manner which would utilize
to the utmost the regional jail's regularly scheduled
trips to each of the respective counties it serves,
including the scheduling of round-trips, so long as a
minimum of 30 minutes is available for visitation.

17.21.3 The regional jail need not assume any respon-
sibility for transportation under subsection 17.21.1 when
the distance from the regional jail to the respective
county seat is less than two hour's driving time.


(a) The legislative rules filed in the state register on
2 the eleventh day of June, one thousand nine hundred
3 eighty-two, relating to commissioner of banking (com-
4 munication terminals and interchange systems), are
5 authorized.

6 (b) The legislative rules filed in the state register on
7 the fifteenth day of December, one thousand nine
8 hundred eighty-three, relating to the commissioner of
9 banking (consumer credit sales), are authorized.

10 (c) The legislative rules filed in the state register on
11 the nineteenth day of August, one thousand nine
12 hundred eighty-three, relating to the commissioner of
13 banking (legal lending limit) are authorized.

14 (d) The legislative rules filed in the state register on
15 the seventh day of November, one thousand nine
16 hundred eighty-six, modified by the commissioner of
17 banking to meet the objections of the legislative rule-
18 making review committee and refiled in the state
19 register on the eleventh day of December, one thousand
20 nine hundred eighty-six, relating to the commissioner of
21 banking (implementing the West Virginia community
22 reinvestment act), are authorized.

23 (e) The legislative rules filed in the state register on
24 the twenty-fifth day of October, one thousand nine
25 hundred eighty-eight, modified by the commissioner of
26 banking to meet the objections of the legislative rule-
27 making review committee and refiled in the state
28 register on the seventh day of December, one thousand
29 nine hundred eighty-eight, relating to the commissioner
30 of banking (subsidiary bank holding the stock of its
31 parent company as collateral) are authorized.


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

7 Section 14.06 Delete the words “as subsequently
8 amended” and reinsert the words “as amended March
Section 14.07 Place a period after "1976" and delete the words "as subsequently amended."

(b) The legislative rules filed in the state register on the eighteenth day of January, one thousand nine hundred eighty-five, relating to the state auditor, securities commissioner (filing fee) are authorized.

§64-2-38. Board of risk and insurance management.

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

(b) The legislative rules filed in the state register on the twenty-sixth day of November, one thousand nine hundred eighty-five, modified by the state board of risk and insurance management to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of December, one thousand nine hundred eighty-six, relating to the state board of risk and insurance management (mine subsidence insurance program), are authorized.

§64-2-39. Department of human services; director of the child advocate office.

(a) The Legislature hereby authorizes and directs the director of the child advocate office of the department of human services to promulgate rules relating to guidelines for child support awards in exact conformity with the rules relating to guidelines for child support awards tendered to the secretary of state by the Senate committee on the judiciary on the twelfth day of March, one thousand nine hundred eighty-eight.

(b) The legislative rules filed in the state register on the twenty-seventh day of May, one thousand nine hundred eighty-eight, modified by the director of the child advocate office of the department of human services to meet the objections of the legislative rule-making review committee and refiled in the state
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register on the twenty-third day of September, one
thousand nine hundred eighty-eight, relating to the
director of the child advocate office of the department
of human services (interstate income withholding) are
authorized.  

c) The legislative rules filed in the state register on
the twenty-seventh day of May, one thousand nine
hundred eighty-eight, modified by the director of the
child advocate office of the department of human
services to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twenty-third day of September, one
thousand nine hundred eighty-eight, relating to the
director of the child advocate office of the department
of human services (obtaining support from federal and
state income tax refunds) are authorized.  

d) The legislative rules filed in the state register on
the twenty-seventh day of May, one thousand nine
hundred eighty-eight, modified by the director of the
child advocate office of the department of human
services to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twenty-third day of September, one
thousand nine hundred eighty-eight, relating to the
director of the child advocate office of the department
of human services (termination of income withholding)
are authorized.  

(e) The legislative rules filed in the state register on
the twenty-seventh day of May, one thousand nine
hundred eighty-eight, modified by the director of the
child advocate office of the department of human
services to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the twenty-third day of September, one
thousand nine hundred eighty-eight, relating to the
director of the child advocate office of the department
of human services (providing information to credit
reporting agencies) are authorized.

§64-2-40. Public employees insurance board.  

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

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

(b) The legislative rules filed in the state register on the twenty-seventh day of September, one thousand nine hundred eighty-four, modified by the public employees insurance board to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourth day of March, one thousand nine hundred eighty-five, relating to the public employees insurance board (credit for accrued sick/annual leave and optional life insurance) are authorized.

(c) The legislative rules filed in the state register on the twelfth day of September, one thousand nine hundred eighty-four, relating to the public employees insurance board (late enrollment in the public employees insurance program) are authorized with the amendments set forth below:

§2.01(b) shall read as follows:

"(b) 'children' shall mean unmarried children between birth and age nineteen and shall include: (1) The employee's natural children, (2) legally adopted children, including children living with the employee during the period of probation, (3) stepchildren residing in the employee's household and (4) other children fully dependent upon the employee for support and maintenance and residing in the household of which the employee is head and actually being supported by the employee. Children may be included after the attainment of age nineteen, but not beyond the attainment of age twenty-five, if they are enrolled as full-time students, are unmarried, and are dependent upon the employee for support. Children may also be included after the attainment of age nineteen while incapable of self-support because of mental illness, mental retardation or a permanent physical disability, if the child was dependent upon the employee for support and mainte-
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42 nance at the onset of the mental illness, mental
43 retardation or permanent physical disability. For the
44 purpose of this section, mental illness includes addiction
45 as defined in Code 27-1-11 as is defined as a manifesta-
46 tion in a person of significantly impaired capacity to
47 maintain acceptable levels of functioning in the areas of
48 intellect, emotion and physical well-being, only if such
49 impairment renders the person dangerous to himself or
50 others or such person is substantially unable to protect
51 himself from significant hazard: Provided, That child-
52 ren included because of addiction as hereinbefore
53 defined shall not be included beyond the attainment of
54 age twenty-five."
55
56 On page six, at 4.01(g)(2) shall read as follows:
57
58 The end of any 12 month period after enrollment
59 during which no diagnosis or treatment is received, and
60 no expenses are incurred for care of the injury, illness
61 or related conditions.
62
63 Also, insert a new section, designated section 5.07, to
64 read as follows:
65
66 “5.07. — Coverage for dependents shall terminate at
67 the end of the month in which they no longer meet the
68 definition of ‘dependent’ as set forth in section 2.01 of
69 these rules.”

§64-2-41. Employee suggestion award board.

1 The legislative rules filed in the state register on the
2 twenty-third day of July, one thousand nine hundred
3 eighty-two, relating to the employee suggestion award
4 board (public employee suggestion program), are
5 authorized.

§64-2-42. 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 com-
4 merce to meet the objections of the legislative rule-
5 making review committee and refilled in the state
6 register on the ninth day of October, one thousand nine
7 hundred eighty-seven, relating to the commissioner of
commerce (public use of West Virginia state parks, forests, and hunting and fishing areas) are authorized with the amendments as set forth below:

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

And, on page 3, section 2.12 after the word “guests” by adding “licensed hunters and fishermen while hunting or fishing”.

And, on page 5, section 2.22 by adding at the end of the section the following sentence: “Any person may apply to the Superintendent of the park for a special event permit and pay an application fee for use of firearms during historical reenactments, or the use of hay, straw, boughs, pine needles or similar materials for special events. The Park Superintendent may issue a permit to limit areas of use of any of these exceptions and require damage assessments, if necessary.”

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

§64-2-43. West Virginia industrial and trade jobs development corporation.

The legislative rules filed in the state register on the fifteenth day of October, one thousand nine hundred eighty-six, modified by the West Virginia industrial and trade jobs development corporation to meet the objections of the legislative rule-making review committee and refiled in the state register on the twelfth day of January, one thousand nine hundred eighty-seven, relating to the West Virginia industrial and trade jobs development corporation (general administration of the West Virginia capital company act and establishment of application procedures to implement the act), are authorized.

§64-2-44. Alcohol beverage control commission.
(a) The legislative rules filed in the state register on the thirtieth day of December, one thousand nine hundred eighty-two, relating to the alcohol beverage control commission (transportation of alcoholic beverages), are authorized.

(b) The legislative rules filed in the state register on the thirteenth day of August, one thousand nine hundred eighty-two, relating to the alcohol beverage control commissioner (lighting of licensed premises), are authorized.

(c) The legislative rules filed in the state register on the thirteenth day of August, one thousand nine hundred eighty-two, relating to the alcohol beverage control commissioner (kitchen and dining facilities), are authorized.

(d) The legislative rules filed in the state register on the twenty-fourth day of August, one thousand nine hundred eighty-two, relating to the alcohol beverage control commissioner (refusal to license private clubs), are authorized with the exception of subsection (a) of the rules which shall be promulgated as set forth below in this section as follows:

(a) For purposes of this regulation, the commissioner may refuse to grant any license if he has reasonable cause to believe, as indicated by documented evidence, that the applicant, or any officer, director or manager thereof, or shareholder owning twenty percent or more of its capital stock, beneficial or otherwise, or other person conducting or managing the affairs of the applicant or of the proposed licensed premises, in whole or part:

(1) Is not a person of good moral character or repute;

(2) Has maintained a noisy, loud, disorderly or unsanitary establishment;

(3) Has demonstrated, either by his police record or by his record as former licensee under chapter sixty or chapter eleven, article sixteen of the West Virginia code, a lack of respect for law and order, generally, or for the laws and rules governing the sale and distribution of
alcoholic beverages or nonintoxicating beer;

(4) Has the general reputation of drinking alcoholic beverages to excess, or is addicted to the use of narcotics;

(5) Has misrepresented a material fact in applying to the commissioner for a license.

For purposes of this regulation, the commissioner shall refuse to grant any license if he has reasonable cause to believe, as indicated by documented evidence that the applicant, or any officer, director or manager thereof, or shareholder owning twenty percent or more of its capital stock, beneficial or otherwise, or other person conducting or managing the affairs of the applicant or of the proposed licensed premises, in whole or part:

(1) Is not eighteen years of age or older;

(2) Has been convicted of a felony or other crime involving moral turpitude, and, upon such conviction, the applicant shall not be eligible for licensure within five years next preceding successful completion of all conditions of probation, discharge from parole supervision or expiration of sentence;

(3) Has been convicted of violating the liquor laws of any state or the United States, and, upon such conviction, the applicant shall not be eligible for licensure within five years next preceding successful completion of all conditions of probation, discharge from parole supervision or expiration of sentence;

(4) Has had any license revoked under the liquor laws of any state or the United States within five years next preceding the filing date of the application;

(5) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed;

(6) Is a person to whom alcoholic beverages may not be sold under the provisions of chapter sixty of the West Virginia code;
77  (7) Has been adjudicated an incompetent;
78  (8) Is an officer or employee of the alcohol beverage
79  control commissioner of West Virginia; or
80  (9) Is violating or allowing the violation of any
81  provision of chapter sixty, chapter sixty-one or chapter
82  eleven, article sixteen of the code in its establishment
83  at the time its application for a license is pending.
1  The legislative rules filed in the state register on the
2  twenty-sixth day of November, one thousand nine
3  hundred eighty-five, modified by the West Virginia
4  board of hearing aid dealers to meet the objections of
5  the legislative rule-making review committee and
6  refilled in the state register on the twenty-eighth day of
7  January, one thousand nine hundred eighty-six, relating
8  to the West Virginia board of hearing aid dealers (rules
9  governing the West Virginia board of hearing aid
10  dealers) are authorized.
§64-2-46. Nursing home administrators licensing board.
1  The legislative rules filed in the state register on the
2  eighteenth day of October, one thousand nine hundred
3  eighty-five, modified by the nursing home administra-
4  tors licensing board to meet the objections of the
5  legislative rule-making review committee and refilled in
6  the state register on the twenty-eighth day of January,
7  one thousand nine hundred eighty-six, relating to the
8  nursing home administrators licensing board (governing
9  nursing home administrators) are authorized.
§64-2-47. Board of examiners of psychologist.
1  (a) The legislative rules filed in the state register on
2  the twentieth day of December, one thousand nine
3  hundred eighty-four, relating to the board of examiners
4  of psychologist (examination fee) are authorized.
5  (b) The legislative rules filed in the state register on
6  the sixteenth day of September, one thousand nine
7  hundred eighty-eight, modified by the board of examin-
8  ers of psychologists to meet the objections of the
9  legislative rule-making review committee and refilled in
the state register on the twenty-third day of November, one thousand nine hundred eighty-eight, relating to the board of examiners of psychologists (penalties and fees) are authorized.


The legislative rules filed in the state register on the second day of October, one thousand nine hundred eighty-four, modified by the board of pharmacy to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of January, one thousand nine hundred eighty-five, relating to the board of pharmacy (parenteral/enteral compounding) are authorized.

§64-2-49. State athletic commission.

The legislative rules filed in the state register on the twentieth day of February, one thousand nine hundred eighty-five, relating to the state athletic commission (professional and amateur boxing) are authorized.


(a) The legislative rules filed in the state register on the fourteenth day of September, one thousand nine hundred eighty-four, relating to the archives and history commission (certified local government program) are authorized with the following amendments:

§4.02, subsections a,b,c,d,e; g and i are amended in their entirety to read as follows:

"a. The local government shall have created a historic landmark commission or commission, consisting of five (5) members, to carry out the provisions of the ordinance or order."

"b. HLC or commission membership shall be drawn from among persons with demonstrated interest, competence, or knowledge in historic preservation and local history. To the extent available in the community, members of the HLC shall be preservation-related professionals (including the professions of history, architecture, architectural history, planning, real estate, American studies, geography, landscape architecture,
law, engineering, or archaeology). When a discipline is not represented in the Commission membership, commissioners shall seek expertise in this area when reporting on National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline. This may be accomplished through consultation with universities or colleges. Prior to the consultation process, the Commission must notify the State Historic Preservation Officer in writing that the appropriate professional assistance has been obtained and identified.”

c. The local government, be certified without the minimum number or types of professional disciplines, must report to the SHPO’s satisfaction that it has made a reasonable effort to fill those positions. The requirements for professional representation on the Commission shall not exceed those of the State Review Board.”

d. Commission meetings shall be held at regular intervals at least four times each year, advertised in advance, and open to the public. The Commission shall establish rules of procedure or bylaws including a code of conduct.”

e. The Commission shall transmit an annual report of its activities to the State Historic Preservation Officer. Such reports shall include, at a minimum, new designations made, progress on survey activities, and attendance records. Reports shall be submitted within sixty days after the end of the fiscal year for the local government or portion of the fiscal year in the first year of the establishment of the commission. These reports will be reviewed and evaluated by the SHPO to ensure that the Commission’s activities are consistent with the State Historic Preservation Plan.”

“g. Records of proceedings shall be transmitted to the State Historic Preservation Officer at the same time they are transmitted to members of the Commission.”

“i. Commission responsibilities must be complementary to and carried out in coordination with those of the State Historic Preservation Office as outlined in 36 CFR 61.4(b). The State Historic Preservation Office shall
cooperate with the HLC or Commission by making available materials and training to provide a working knowledge of the roles and operations of federal, state and local preservation programs."

§5.01, subsections a and d are amended to read in their entirety as follows:

"a. A written assurance by the chief elected official that the local government does fulfill all the standards for certification outlined above."

"d. Resumes of each of the members of the historic landmark commission including credentials of member expertise in fields related to historic preservation. Where no professional members have been appointed an explanation and information demonstrating good faith efforts to obtain such members shall be included."

§5.03 is amended in its entirety to read as follows:

"5.03 — Determination that Local Government Fulfills Requirements for Certification—if the State Historic Preservation Officer determines that the local government fulfills the requirements for certification, the State Historic Preservation Officer will prepare a written certification agreement with the local government that lists the specific responsibilities of the local government where certified. These responsibilities will include those powers and duties as stated in 4.02. The SHPO will notify the United States Secretary of the Interior, or designee and furnish a copy of the approved request and the certification agreement and shall respond to the local government within fifteen days of the Secretary's response."

The fourth line of §5.04 is amended to read as follows:

"Secretary of the Interior within 15 working days. The certification"

The last line of §6 is amended to read as follows:

“(National Historic Preservation Act, Section 101(c)(2)"

The section heading to §6.01 is amended in its entirety to read as follows: “6.01 Notification of Commission by SHPO of National Register Nomination of Property
Within Local Government Jurisdiction—"

The last three lines of §6.01 are amended in their entirety to read as follows: "101(a) of the National Historic Preservation Act, as amended. The State may expedite such process with the concurrence of the certified local government."

The first line after the section heading of §6.02 is amended to read as follows: "(National Historic Preservation Act, Sec. 101(c)(2)(b). If” and the third sentence of said §6.02 is amended in its entirety to read as follows: "If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to established procedures (section 101(a) of the Act)."

The second sentence of §6.03 is amended in its entirety to read as follows: "If an HLC or commission does not have a professional member with the necessary federal qualifications in the area, the HLC can obtain the opinion of a qualified professional in the area and consider their opinion in their recommendation."

§6.04 is amended in its entirety to read as follows:

"6.04—Commission Qualifications for Federal Pass Through Funds—Federal regulations also require that commissions possess certain qualifications in order to receive federal pass through funds. These are explained in Section 4.02."

§7.01 is amended in its entirety to read as follows:

"7.01—Performance Review of Certified Local Government by SHPO—The SHPO will review the commission’s annual report to ensure that the performance of the local government is consistent with the State Historic Preservation Plan. If the SHPO determines that the performance of a certified local government is not in conformance with the certification agreement and the State Historic Preservation Plan the State Historic Preservation Officer shall document that determination and recommend to the certified local government steps which may be taken to improve their performance. The Historic Preservation Officer shall also review the administration of funds allocated from..."
the Historic Preservation Fund and other documents as necessary. The SHPO shall maintain written records for all SHPO evaluation of CLG's so that they may be available to the Secretary at any time.”

The last sentence of §7.03 is amended in its entirety to read as follows: “This closeout will follow procedures specified in National Register Programs Guidelines.”

The first sentence of §8.01 is amended in its entirety to read as follows: “A minimum of 10% of the state's annual apportionment from the Historic Preservation Fund of the Department of the Interior will be set aside for transfer to qualified CLG's in accordance with the National Historic Preservation Act as amended. In any year in which the total Historic Preservation Fund appropriation exceed sixty-five (65) million dollars, one-half (1/2) of the amount over sixty-five (65) million dollars will also be transferred to CLG according to procedures to be provided by the Secretary.”

The third line of the first sentence of §8.04 is amended in its entirety to read as follows: "consistent with 35(FR61.7(f)(1) which states that the amount awarded to,”

§8.05 is amended in its entirety to read as follows:

“8.05—Application and Selection Criteria—Project application forms and selection criteria will be made available through individual notification and public advertisement from the SHPO of the West Virginia Department of Culture and History in June of each year. The criteria will be coordinated with those used to select survey and planning grants during the fiscal year. Funds must be applied for by August 30 of each year. Funding in any prior year does not guarantee continued funding. The project schedule and deadlines may vary from year to year and is dependent upon the time frame in which the Secretary of the Interior notifies the state of its apportionment from the annual Historic Preservation Fund.”

The third sentence of §8.06 is amended in its entirety to read as follows: “The SHPO is responsible for proper
accounting of Historic Preservation Fund grants to CLG's in accordance with Office Management and Budget Circular A-102, Attachment P Audit Requirement.

(b) The legislative rules filed in the state register on the nineteenth day of September, one thousand nine hundred eighty-eight, modified by the director of the division of archives and history of the department of culture and history to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourteenth day of December, one thousand nine hundred eighty-eight, relating to the director of the division of archives and history of the department of culture and history (standards and procedures for administering state historic preservation programs) are authorized with the amendment set forth: Section 3.2.b.A after the word "days" by inserting the words "after receipt of actual notice."


(a) The legislative rules filed in the state register on the thirtieth day of August, one thousand nine hundred eighty-four, relating to the water development authority (hardship grant funds), are authorized.

(b) The legislative rules filed in the state register on the fourteenth day of August, one thousand nine hundred eighty-six, relating to the water development authority (requirements governing disbursements of loans and grants to governmental agencies for the acquisition or construction of water development projects), are authorized.


The legislative rules filed in the state register on the nineteenth day of April, one thousand nine hundred eighty-five, relating to the beef industry self-improvement assessment board (beef industry self-improvement assessment program) are authorized.

The legislative rules filed in the state register on the twentieth day of December, one thousand nine hundred eighty-six, modified by the commercial whitewater advisory board to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixteenth day of January, one thousand nine hundred eighty-seven, relating to the commercial whitewater advisory board (commercial whitewater outfitters), are authorized with the following amendments:

"On page 1, §2.1, by striking all of §2.1 and inserting in lieu thereof the following: '2.1 Commercial whitewater outfitter means any person, partnership, corporation or other organization, or any combination thereof, duly authorized and operating from within or from without the state, which for monetary profit or gain, provides whitewater expeditions or rents whitewater craft or equipment for use in whitewater expeditions on any river, portions of rivers or waters of the state."

§64-2-54. Commissioner of the department of corrections.

(a) The legislative rules filed in the state register on the twentieth day of September, one thousand nine hundred eighty-eight, modified by the commissioner of the department of corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of January, one thousand nine hundred eighty-nine, relating to the commissioner of the department of corrections (parole supervision) are authorized.

(b) The legislative rules filed in the state register on the twentieth day of September, one thousand nine hundred eighty-eight, modified by the commissioner of the department of corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of January, one thousand nine hundred eighty-nine, relating to the commissioner of the department of corrections (furlough programs for inmates under the custody and control of the commissioner of the department of corrections) are authorized.
§64-2-55. Governor's committee on crime, delinquency and corrections.

1 The legislative rules filed in the state register on the twenty-fifth day of July, one thousand nine hundred eighty-eight, modified by the governor's committee on crime, delinquency and corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of September, one thousand nine hundred eighty-eight, relating to the governor's committee on crime, delinquency and corrections (basic training academy, annual in-service and biennial in-service training standards) are authorized.

§64-2-56. Structural barriers compliance board.

1 The legislative rules filed in the state register on the twenty-fourth day of August, one thousand nine hundred eighty-eight, modified by the structural barriers compliance board to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of January, one thousand nine hundred eighty-nine, relating to the structural barriers compliance board (elimination of structural barriers in public buildings) are authorized.

§64-2-57. Department of finance and administration.

1 The legislative rules filed in the state register on the eighteenth day of November, one thousand nine hundred eighty-eight, modified by the director of the purchasing division of the department of finance and administration to meet the objections of the legislative rule-making review committee and refiled in the state register on the nineteenth day of January, one thousand nine hundred eighty-nine, relating to the director of the purchasing division of the department of finance and administration (purchasing division) are authorized.


1 The legislative rules filed in the state register on the twenty-sixth day of October, one thousand nine hundred eighty-eight, modified by the enterprise zone authority to meet the objections of the legislative rule-making
review committee and refiled in the state register on the twenty-third day of February, one thousand nine hundred eighty-nine, relating to the enterprise zone authority (creation of enterprise zone authority to designate certain enterprise zones and provide for tax benefits within those zones) are authorized.

§64-2-59. Board of barbers and beauticians.

(a) The legislative rules filed in the state register on the tenth day of June, one thousand nine hundred eighty-eight, modified by the board of barbers and beauticians to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of December, one thousand nine hundred eighty-eight, relating to the board of barbers and beauticians (minimum curriculum for schools of barbering) are authorized with the amendment set forth below:

On page 9, by inserting a new section, designated section 3-6-14, to read as follows:

"§3-6-14. Repeal of rule—This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature."

(b) The legislative rules filed in the state register on the tenth day of June, one thousand nine hundred eighty-eight, modified by the board of barbers and beauticians to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of December, one thousand nine hundred eighty-eight, relating to the board of barbers and beauticians (qualifications, training, examination and registration of instructors in barbering and beauty culture) are authorized with the amendment set forth below:

On page 6, by inserting a new section, designated section 3-2-9, to read as follows:

"§3-2-9. Repeal of rule—This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature."
(c) The legislative rules filed in the state register on
the tenth day of June, one thousand nine hundred
eighty-eight, modified by the board of barbers and
beauticians to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the eighth day of December, one thousand
nine hundred eighty-eight, relating to the board of
barbers and beauticians (operation of barber shops and
schools of barbering) are authorized with the amend-
ment set forth below:

On page 5, by inserting a new section, designated
section 3-3-6, to read as follows:

"§3-3-6. Repeal of rule—This rule will automati-
cally be repealed on July 1, 1991, unless extended prior
to that date by an act of the Legislature."

(d) The legislative rules filed in the state register on
the tenth day of June, one thousand nine hundred
eighty-eight, modified by the board of barbers and
beauticians to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the eighth day of December, one thousand
nine hundred eighty-eight, relating to the board of
barbers and beauticians (curriculum and minimum
requirements, subjects and hour schedule, rules and
regulations for schools of beauty culture operation in
West Virginia: joint barbers and beauticians license) are
authorized with the amendments set forth below:

On page 7, by inserting a new section, designated
section 3-1-11, to read as follows:

"§3-1-11. Repeal of rule—This rule will automati-
cally be repealed on July 1, 1991, unless extended prior
to that date by an act of the Legislature."

(e) The legislative rules filed in the state register on
the tenth day of June, one thousand nine hundred
eighty-eight, modified by the board of barbers and
beauticians to meet the objections of the legislative rule-
making review committee and refiled in the state
register on the eighth day of December, one thousand
nine hundred eighty-eight, relating to the board of
barbers and beauticians (operation of beauty shops and schools of beauty culture) are authorized with the amendments set forth below:

On page 4, by inserting a new section, designated section 3-4-6, to read as follows:

"§3-4-6. Repeal of rule—This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature."

And,

On page 4, by inserting a new subsection, designated section 3.25, to read as follows:

"3.25 Notwithstanding any law to the contrary or interpretation of law to the contrary, any licensed beautician may trim beards or mustaches."

(f) The legislative rules filed in the state register on the tenth day of June, one thousand nine hundred eighty-eight, modified by the board of barbers and beauticians to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of December, one thousand nine hundred eighty-eight, relating to the board of barbers and beauticians (licensing schools of barbering or beauty culture) are authorized with the amendments set forth below:

On page 2, subsection 4.1, by deleting subdivision (b) and relettering the remaining subdivisions.

On page 6, by inserting a new section, designated section 3-5-8, to read as follows:

"§3-5-8. Repeal of rule—This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature."
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th
day of April, 1989.

Governor