

No. 341

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED
Committee Substitute for
SENATE BILL NO. 341

(By Senator Loehr)



PASSED April 8, 1989
In Effect from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 341

(SENATOR LOEHR, *original sponsor*)

[Passed April 8, 1989; in effect from passage.]

AN ACT to amend and reenact section eight, article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the commissioner of the department of energy to promulgate legislative rules relating to West Virginia surface mining reclamation regulations (repealer).

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-8. Department of energy.

- 1 (a) The legislative rules filed in the state register on
- 2 the thirty-first day of March, one thousand nine
- 3 hundred eighty-two, relating to the department of

4 mines (energy) (mine safety program), are authorized.

5 (b) The legislative rules filed in the state register on
6 the seventeenth day of August, one thousand nine
7 hundred eighty-three, relating to the department of
8 energy (governing the safety of those employed in and
9 around surface mines), are authorized.

10 (c) The legislative rules filed in the state register on
11 the seventh day of December, one thousand nine
12 hundred eighty-three, relating to the office of oil and
13 gas, department of mines (energy), (oil and gas and
14 other wells) are authorized with the amendment set
15 forth below:

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

17 Page ix, after section 35.04 add the following:

18 “*35.05 Extra Powers of the Administrator64.”

19 Page 1, section 1.03 in the list of additional regula-
20 tions, add 35.05; in the list of revised regulations, add
21 32.02, 32.03 and 33.00.

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

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

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

33 Page 64, after section 35.04 add the following section:
34 35.05 Extra powers of the Administrator.

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

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

50 (e) The legislative rules filed in the state register on
51 the eleventh day of August, one thousand nine hun-
52 dred eighty-six, modified by the director of the oil and
53 gas division of the department of energy to meet the
54 objections of the legislative rule-making review com-
55 mittee and refiled in the state register on the fifteenth
56 day of December, one thousand nine hundred eighty-
57 six, relating to the director of the division of oil and
58 gas of the department of energy (certification of gas
59 wells), are authorized.

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

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

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

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

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

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

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

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

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

117 (j) The legislative rules filed in the state register on
118 the eleventh day of August, one thousand nine hun-
119 dred eighty-six, modified by the commissioner of the

120 department of energy to meet the objections of the
121 legislative rule-making review committee and refiled
122 in the state register on the fifteenth day of December,
123 one thousand nine hundred eighty-six, relating to the
124 commissioner of the department of energy (miscella-
125 neous water pollution control), are authorized.

126 (k) The legislative rules filed in the state register on
127 the eleventh day of August, one thousand nine hun-
128 dred eighty-six, modified by the commissioner of the
129 department of energy to meet the objections of the
130 legislative rule-making review committee and refiled
131 in the state register on the fifteenth day of December,
132 one thousand nine hundred eighty-six, relating to the
133 commissioner of the department of energy (dam
134 control), are authorized.

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

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

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

157 (o) The legislative rules filed in the state register on
158 the third day of April, one thousand nine hundred
159 eighty-seven, relating to the department of energy

160 (standards for certification of underground belt exa-
161 miners for underground coal mines), are authorized.

162 (p) The legislative rules filed in the state register on
163 the ninth day of April, one thousand nine hundred
164 eighty-seven, relating to the commissioner of the
165 department of energy (performance standards for
166 blasting on surface mines) are authorized.

167 (q) The legislative rules filed in the state register on
168 the twelfth day of January, one thousand nine hun-
169 dred eighty-seven, modified by the commissioner of
170 the department of energy to meet the objections of the
171 legislative rule-making review committee and refiled
172 in the state register on the twentieth day of February,
173 one thousand nine hundred eighty-seven, relating to
174 the commissioner of the department of energy (state
175 national pollutant discharge elimination system
176 (NPDES) for mines and minerals), are authorized.

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

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

186 On page three, section 6, by striking all of subsection
187 6.1 and inserting in lieu thereof, the following:

188 "6.1 The department shall establish fixed rate fees
189 for reproduction of documents, records, and files on
190 the basis of the actual cost of such reproduction and
191 shall document such costs: *Provided*, That where total
192 costs are less than five dollars, no fee shall be charged."

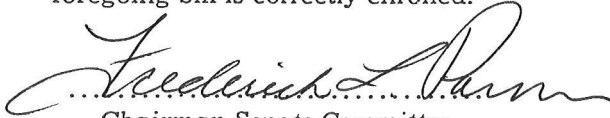
193 (s) The legislative rules filed in the state register on
194 the twelfth day of May, one thousand nine hundred
195 eighty-seven, modified by the commissioner of the
196 department of energy to meet the objections of the
197 legislative rule-making review committee and refiled
198 in the state register on the fourteenth day of August,

199 one thousand nine hundred eighty-seven, relating to
200 the commissioner of the department of energy (blas-
201 ters certification for surface coal mines and surface
202 areas of coal mines) are authorized.

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

212 (u) The legislative rules filed in the state register on
213 the nineteenth day of September, one thousand nine
214 hundred eighty-eight, and modified to meet the
215 objections of the West Virginia Legislature and refiled
216 in the state register on the sixth day of April, one
217 thousand nine hundred eighty-nine, relating to the
218 commissioner of the department of energy (West
219 Virginia surface mining reclamation regulations
220 (repealer)) are authorized.

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


.....
Chairman Senate Committee

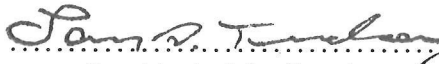

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Chairman House Committee

Originated in the Senate.

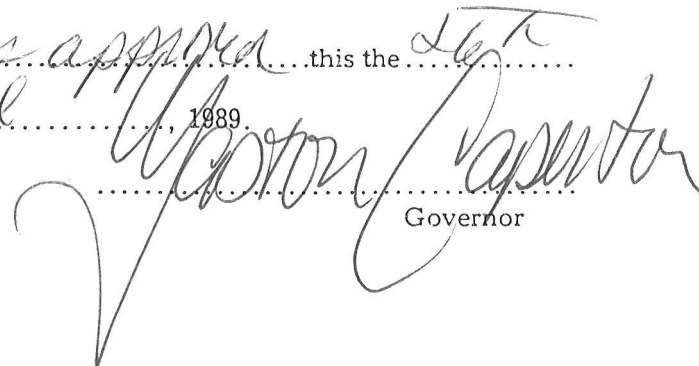
In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


.....
President of the Senate


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Speaker House of Delegates

The within *is approved* this the *16th*
day of *April*, 1989.

.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/20/89

Time 10:39