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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 112

(By Senator MANCHIN, ET AL)



PASSED MARCH 11, 1995

In Effect FROY Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 112

(SENATORS MANCHIN, ANDERSON, BOLEY,
GRUBB AND MACNAUGHTAN, *original sponsors*)

[Passed March 11, 1995; in effect from passage.]

AN ACT to amend chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; the legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the division of labor to promulgate legislative rules relating to

the regulation of trade, weights and measures, as modified; authorizing the division of labor to promulgate legislative rules relating to the West Virginia manufactured housing construction and safety standards board, as modified; authorizing the division of natural resources to promulgate legislative rules relating to the recycling assistance fund grant program, as modified; authorizing the division of natural resources to promulgate legislative rules relating to West Virginia wildlife management areas, as modified and amended; authorizing the division of natural resources to promulgate legislative rules relating to special bear hunting regulations, as modified; authorizing the division of natural resources to promulgate legislative rules relating to wild boar hunting, as modified; authorizing the division of natural resources to promulgate legislative rules relating to special fishing, as modified and amended; authorizing the division of natural resources to promulgate legislative rules relating to rules governing public use of West Virginia state parks, state forests and state wildlife management areas under the division of natural resources, as modified and amended; and authorizing the division of natural resources to promulgate legislative rules relating to prohibitions when hunting and trapping as modified and amended.

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 by adding thereto a new article, designated article ten, to read as follows:

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

§64-10-1. Division of labor.

1 (a) The legislative rules filed in the state register on the
2 fifteenth day of August, one thousand nine hundred
3 ninety-four, modified by the division of labor to meet the
4 objections of the legislative rule-making review commit-
5 tee and refiled in the state register on the third day of
6 November, one thousand nine hundred ninety-four,

7 relating to the division of labor (regulation of trade,
8 weights and measures, 42 CSR 22), are authorized.

9 (b) The legislative rules filed in the state register on the
10 fifteenth day of August, one thousand nine hundred
11 ninety-four, modified by the division of labor to meet the
12 objections of the legislative rule-making review commit-
13 tee and refiled in the state register on the third day of
14 November, one thousand nine hundred ninety-four,
15 relating to the division of labor (West Virginia manufac-
16 tured housing construction and safety standards board,
17 42 CSR 19), are authorized.

§64-10-2. Division of natural resources.

1 (a) The legislative rules filed in the state register on the
2 fourteenth day of July, one thousand nine hundred
3 ninety-four, modified by the division of natural re-
4 sources to meet the objections of the legislative rule-
5 making review committee and refiled in the state register
6 on the eighth day of September, one thousand nine
7 hundred ninety-four, relating to the division of natural
8 resources (recycling assistance fund grant program, 58
9 CSR 43), are authorized.

10 (b) The legislative rules filed in the state register on the
11 twelfth day of August, one thousand nine hundred
12 ninety-four, modified by the division of natural re-
13 sources to meet the objections of the legislative rule-
14 making review committee and refiled in the state register
15 on the fourteenth day of October, one thousand nine
16 hundred ninety-four, relating to the division of natural
17 resources (West Virginia wildlife management areas, 58
18 CSR 6), are authorized with the following amendments:

19 On page four, section 6.4.3, before the word "No" by
20 inserting "Except for persons who are under sixteen
21 years of age and who have a valid West Virginia hunting
22 license,";

23 And,

24 On page four, section 6.4.3, by deleting the capital

25 letter "N" and substituting in lieu thereof the lower case
26 "n."

27 (c) The legislative rules filed in the state register on the
28 twelfth day of August, one thousand nine hundred
29 ninety-four, modified by the division of natural re-
30 sources to meet the objections of the legislative rule-
31 making review committee and refiled in the state register
32 on the fourteenth day of October, one thousand nine
33 hundred ninety-four, relating to the division of natural
34 resources (special bear hunting regulations, 58 CSR 11C),
35 are authorized.

36 (d) The legislative rules filed in the state register on the
37 twelfth day of August, one thousand nine hundred
38 ninety-four, modified by the division of natural re-
39 sources to meet the objections of the legislative rule-
40 making review committee and refiled in the state register
41 on the fourteenth day of October, one thousand nine
42 hundred ninety-four, relating to the division of natural
43 resources (wild boar hunting regulations, 58 CSR 11G),
44 are authorized.

45 (e) The legislative rules filed in the state register on the
46 fifteenth day of August, one thousand nine hundred
47 ninety-four, modified by the division of natural re-
48 sources to meet the objections of the legislative rule-
49 making review committee and refiled in the state register
50 on the fourteenth day of October, one thousand nine
51 hundred ninety-four, relating to the division of natural
52 resources (special fishing rule, 58 CSR 21), are autho-
53 rized with the following amendment:

54 On page four, section 58-21-5, paragraph 5.1.1, by
55 deleting the numeral "15" and inserting in lieu thereof
56 the numeral "13".

57 (f) The legislative rules filed in the state register on the
58 second day of December, one thousand nine hundred
59 ninety-four, modified by the division of natural re-
60 sources to meet the objections of the legislative rule-
61 making review committee and refiled in the state register

62 on the sixteenth day of December, one thousand nine
63 hundred ninety-four, relating to the division of natural
64 resources (rules governing public use of West Virginia
65 state parks, state forests and state wildlife management
66 areas under the division of natural resources, 58 CSR
67 58), are authorized with the following amendment:

68 On page five, section 2.23, line four, before the word
69 "chartered" by inserting the word "A" and by deleting
70 the letter "s" at the end of the word "foundations".

71 (g) The legislative rules filed in the state register on the
72 twelfth day of August, one thousand nine hundred
73 ninety-four, modified by the division on natural re-
74 sources to meet the objections of the legislative rule-
75 making review committee and refiled in the state register
76 on the fourteenth day of October, one thousand nine
77 hundred ninety-four, relating to the division of natural
78 resources (prohibitions when hunting and trapping, 58
79 CSR 11B), are authorized with the following amend-
80 ments:

81 On page two, by striking out section 3.5 and renumber-
82 ing the remaining sections;

83 In section 3.7, after the word "net" by inserting the
84 word "bait" and after the word "any" by inserting the
85 word "deer";

86 And,

87 By striking out subsection 3.7.1 and renumbering the
88 remaining sections.

Enr. Com. Sub. for S. B. No. 112] 6

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

Vandy Kroonau
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell E. Davis
.....
Clerk of the Senate

Donald L. Gaff
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Mark Cabell
.....
Speaker House of Delegates

The within is approved..... this the 23rd.....

day of March....., 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/22/95

Time 4:40 pm