WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

Committee Substitute for

SENATE BILL NO. 112

(By Senator MARVIN, ET AL.)

PASSED March 11, 1995
In Effect Fogg 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.

   (a) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the division of labor 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 ninety-four,
relating to the division of labor (regulation of trade, weights and measures, 42 CSR 22), are authorized.

(b) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the division of labor 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 ninety-four, relating to the division of labor (West Virginia manufactured housing construction and safety standards board, 42 CSR 19), are authorized.

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

(a) The legislative rules filed in the state register on the fourteenth day of July, one thousand nine hundred ninety-four, modified by the division of natural resources 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 ninety-four, relating to the division of natural resources (recycling assistance fund grant program, 58 CSR 43), are authorized.

(b) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division 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 October, one thousand nine hundred ninety-four, relating to the division of natural resources (West Virginia wildlife management areas, 58 CSR 6), are authorized with the following amendments:

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

On page four, section 6.4.3, by deleting the capital
letter "N" and substituting in lieu thereof the lower case "n."

(c) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division 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 October, one thousand nine hundred ninety-four, relating to the division of natural resources (special bear hunting regulations, 58 CSR 11C), are authorized.

(d) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division 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 October, one thousand nine hundred ninety-four, relating to the division of natural resources (wild boar hunting regulations, 58 CSR 11G), are authorized.

(e) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the division 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 October, one thousand nine hundred ninety-four, relating to the division of natural resources (special fishing rule, 58 CSR 21), are authorized with the following amendment:

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

(f) The legislative rules filed in the state register on the second day of December, one thousand nine hundred ninety-four, modified by the division of natural resources 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 ninety-four, relating to the division of natural
resources (rules governing public use of West Virginia
state parks, state forests and state wildlife management
areas under the division of natural resources, 58 CSR
58), are authorized with the following amendment:

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

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

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

- In section 3.7, after the word “net” by inserting the
word “bait” and after the word “any” by inserting the
word “deer”;

- And,

- By striking out subsection 3.7.1 and renumbering the
remaining sections.
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That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 23rd day of March 1995.

Governor