WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4310

(By Delegates Douglas, Gallagher, Jarvis, Compton, Linch and Riggs)

Passed March 9, 1996

In Effect Ninety Days 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 eleven, relating generally to the promulgation of administrative rules by the various executive and administrative agencies and the procedures relating thereto; and authorizing certain of these agencies to update and make technical corrections to legislative rules.

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 eleven, to read as follows:

ARTICLE 11. TECHNICAL CORRECTIONS TO THE CODE OF STATE RULES.

§64-11-1. Purpose.

(a) It is hereby declared to be the purpose and policy of the Legislature in enacting this article to allow technical corrections to the code of state rules. Corrections made under this article shall be limited to those necessary to correct and update the names of agencies and their subdivisions and boards, addresses, phone numbers, code references, gender specific pronouns and any other changes
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considered necessary which do not effect substantive changes in the rules. Any amendment contained in this article which imparts the force of law, supplies a basis for the imposition of civil or criminal liability, or grants or denies a specific benefit is void and the language of the rule in effect immediately prior to the passage of the amendment remains in full force and effect.

(b) The secretary of state is hereby granted the authority to correct inconsistencies with regard to effective dates of rules and numbers of series, pages, sections or subsections contained in this article to meet the purpose and intent of the amendments offered in this article.

§64-11-2. Radiologic technologists board of examiners.

The legislative rule relating to the radiologic technologists board of examiners (rules and regulations of the West Virginia board of examiners of radiologic technologists, 18 CSR 1), effective the twenty-third day of May, one thousand nine hundred eighty-four, is reauthorized with the following amendment:

"On page 1, subsection 1.7, by striking out the words 'Room 514, Medical Arts Bldg., 1021 Quarrier St., Charleston, West Virginia 25301' and inserting in lieu thereof the words 'Room 303, 3049 Robert C. Byrd Drive, Beckley, West Virginia 25801'."

§64-11-3. Division of labor.

(a) The legislative rule relating to the division of labor (supervision of private employment agencies, legislative and procedural rules and regulations, 42 CSR 1), effective the thirty-first day of December, one thousand nine hundred eighty-two, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

And,

On page 3, subsection 7.1(d), by inserting the words
'or her' immediately following the word 'his'."

(b) The legislative rule relating to the division of labor (West Virginia safety code for aerial passenger tramways, lifts and tows, 42 CSR 2), effective the twenty-sixth day of May, one thousand nine hundred eighty-three, is reauthorized with the following amendment:

"On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(c) The legislative rule relating to the division of labor (steam boiler inspection, 42 CSR 3), effective the first day of April, one thousand nine hundred eighty-eight, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

Beginning on page 1, subsection 2.2, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

Beginning on page 2, subsection 2.2, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'him';

Beginning on page 3, subsection 2.11, and continuing throughout the text of the rule, by inserting the words 'or herself' immediately following the word 'himself';

Beginning on page 4, subsection 2.15, and continuing throughout the text of the rule, by inserting the words 'or she' immediately following the word 'he';

And,

Beginning on page 6, subsection 2.27, and continuing throughout the text of the rule, by striking out the words 'this Department' and inserting in lieu thereof the words 'the Division of Labor'."

(d) The legislative rule relating to the division of
labor (hazardous chemical substances, 42 CSR 4), effective the thirty-first day of December, one thousand nine hundred eighty-two, is reauthorized with the following amendment:

"On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(e) The legislative rule relating to the division of labor (wage payment and collection act, 42 CSR 5), effective the twenty-ninth day of May, one thousand nine hundred ninety, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word 'DEPARTMENT' and inserting in lieu thereof the word 'DIVISION';

Beginning on page 2, subsection 2.5(b), and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

Beginning on page 4, subsection 9.1, and continuing throughout the text of the rule, by inserting the words 'or she' immediately following the word 'he';

On page 1, subsection 2.4, by striking the words 'the Wage and Hour Division of the Labor Department' and inserting in lieu thereof the words 'the Wage and Hour Section of the Division of Labor';

And,

On page 7, subsection 14.3, in two occurrences in the paragraph numbered 6., by inserting the words 'or her' immediately following the word 'him'."

(f) The legislative rule relating to the division of labor (polygraph examinations, limitations of use, requirements, licenses and penalties, 42 CSR 6), effective the sixth day of June, one thousand nine hundred eighty-five, is reauthorized with the following amendments:

"On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';
And,

On page 1, subsection 2.1, by inserting the words 'or her' immediately following the word 'his'."

(g) The legislative rule relating to the division of labor (rules and regulations for the West Virginia prevailing wage act, 42 CSR 7), effective the thirty-first day of December, one thousand nine hundred eighty-two, is reauthorized with the following amendments:

"Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

On page 1, subsection 2.3, by striking out the word 'Department' and inserting in lieu thereof the word 'Division' in each of the two occurrences;

On page 4, subsection 3.1(m), by striking out the words 'No person, for himself or another, shall not request' and inserting in lieu thereof the words 'No person, whether personally or for another, shall request';

On page 4, subsection 5.1, by striking out the word 'Department' and inserting in lieu thereof the word 'Division' in each of the two occurrences;

On page 6, subsection 8.3, by striking out the words 'for himself or another' and inserting in lieu thereof the words 'whether personally or for another';

And,

On page 7, subsection 12.1(b)(1), by inserting the words 'or she' immediately following the word 'he' in each of the two occurrences."

(h) The legislative rule relating to the division of labor (minimum wages and maximum hours standards regulations, 42 CSR 8), effective the thirty-first day of December, one thousand nine hundred eighty-two, is reauthorized with the following amendments:
"Beginning on page 1, subsection 2.3, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

Beginning on page 3, subsection 5.1, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'him';

Beginning on page 3, subsection 6.1, and continuing throughout the text of the rule, by inserting the words 'or she' immediately following the word 'he';

On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

On page 1, subsection 2.3, by striking out the word 'Department' and inserting in lieu thereof the word 'Division';

On page 1, subsection 2.5, by striking out the word 'Department' and inserting in lieu thereof the word 'Division' in each of the two occurrences;

On page 1, subsection 2.6, by striking out the word 'Division' and inserting in lieu thereof the word 'Section' in each of the two occurrences;

On page 2, subsection 3.3, in the subsection heading, by striking out the word 'department' and inserting in lieu thereof the word 'division';

On page 2, subsection 3.3, by striking out the words 'The Wage and Hour Division of the West Virginia Department of Labor' and inserting in lieu thereof the words 'The Wage and Hour Section of the West Virginia Division of Labor';

On page 3, subsection 4.4, by striking out the word 'Division' and inserting in lieu thereof the word 'Section';

On page 4, subsection 7.2, by striking out the word 'Department' and inserting in lieu thereof the word 'Division';

On page 7, subsection 8.17, by striking out the word 'Salesmen' and inserting in lieu thereof the word 'Salesper-
sons', by striking out the word 'salesman' and inserting in lieu thereof the word 'salesperson', and by striking out the word 'partsman' and inserting in lieu thereof the word 'parts person'."

(i) The legislative rule relating to the division of labor (child labor, 42 CSR 9), effective the fourteenth day of April, one thousand nine hundred seventy-five, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

Beginning on page 7, subsection 8.2(c)(2), and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

Beginning on page 14, subsection 9.1, and continuing throughout the text of the rule, by inserting the words 'or she' immediately following the word 'he';

On page 8, subsection 8.4(b)(10), by inserting the words 'or herself' immediately following the word 'himself';

And,

On page 15, subsection 10.1(a)(1), by inserting the words 'or her' immediately following the word 'him'."

(j) The legislative rule relating to the division of labor (bedding and upholstered furniture, 42 CSR 12), effective the thirty-first day of December, one thousand nine hundred eighty-two, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word 'DEPARTMENT' and inserting in lieu thereof the word 'DIVISION';

On page 1, subsection 2.3, by striking out the words 'Division refers to the Division of weights, measures and bedding' and by inserting in lieu thereof the words 'Section refers to the weights, measures and bedding section';
On page 2, subsection 3.1, by striking out the words 'a division entitled "The Division of Weights, Measures and Bedding" ' and by inserting in lieu thereof the words 'section entitled "The Weights, Measures and Bedding Section"';

And,

On page 2, subsection 3.1, in the third sentence, by striking out the word 'Division' and inserting the word 'Section'.

(k) The legislative rule relating to the division of labor (safety glazing act, 42 CSR 13), effective the sixth day of August, one thousand nine hundred seventy-one, is reauthorized with the following amendment:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(l) The legislative rule relating to the division of labor (building construction, highway construction and heavy construction, 42 CSR 14), effective the sixth day of January, one thousand nine hundred ninety-four, is reauthorized with the following amendment:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(m) The legislative rule relating to the division of labor (West Virginia occupational safety and health act - adoption of federal standards, 42 CSR 15), effective the first day of April, one thousand nine hundred eighty-eight, is reauthorized with the following amendment:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(n) The legislative rule relating to the division of
labor (standards for weights and measures inspectors - adoption of NBS handbook 130, 1987, 42 CSR 16), effective the first day of April, one thousand nine hundred eighty-eight, is reauthorized with the following amendment:

"On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR'."

(o) The legislative rule relating to the division of labor (amusement rides and amusement attractions safety act, 42 CSR 17), effective the fifteenth day of June, one thousand nine hundred eighty-nine, is reauthorized with the following amendments:

"Beginning on page 1, subsection 2.6, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

Beginning on page 2, and continuing throughout the text of the rule, by striking out the word 'department' and inserting in lieu thereof the word 'division';

On page 1, in the title, by striking out the words 'DEPARTMENT OF LABOR' and inserting in lieu thereof the words 'DIVISION OF LABOR';

On page 1, SUBSECTION 2.6, by striking out the words 'Department of Labor' and inserting in lieu thereof the words 'Division of Labor';

And,

On page 1, subsection 2.7, by striking out the words 'Department. The West Virginia Department of Labor to include all its divisions and personnel.' and inserting in lieu thereof the words 'Division. The West Virginia Division of Labor to include all its sections and personnel.'"


(a) The legislative rule relating to the water development authority (requirements governing disbursement of loans and grants to governmental agencies for the design, acquisition or construction of water development projects, 44 CSR 1), effective the first day of June, one thousand
nine hundred eighty-seven, is reauthorized with the following amendments:

"Beginning on page 1, section 2, and continuing throughout the text of the rule, by striking out the words 'article five-c, chapter twenty of the Code of West Virginia' and inserting in lieu thereof the words 'W. Va. Code Chapter 22C, Article 1';

Beginning on page 1, subsection 2.1.1, and continuing throughout the text of the rule, by striking out the words 'Department of Natural Resources' and inserting in lieu thereof the words 'Division of Environmental Protection';

Beginning on page 1, subsection 2.1.1, and continuing throughout the text of the rule, by striking out the words 'State Water Resources Board' and inserting in lieu thereof the words 'State Environmental Quality Board';

Beginning on page 13, subsection 8.1, and continuing throughout the text of the rule, by striking out the words 'Division of Water Resources' and inserting in lieu thereof the words 'Office of Water Resources';

On page 1, subsection 1.2, by striking out the code reference '§20-5C-6' and inserting in lieu thereof the code reference '§22C-1-6(1)';

And,

On page 16, subsection 9.4.3(a), by striking out the words 'Water Resources Board for the State of West Virginia' and inserting in lieu thereof the words 'State Environmental Quality Board'."

(b) The legislative rule relating to the water development authority (requirements governing disbursement of loans and grants to governmental agencies for the acquisition or construction of water development projects (water facilities), 44 CSR 2), effective the first day of July, one thousand nine hundred eighty-five, is reauthorized with the following amendments:

"Beginning on page 1, section 2, and continuing throughout the text of the rule, by striking out the words 'article five-c, chapter twenty of the Code of West Virginia'
§64-11-5. Environmental quality board.

The legislative rule relating to the environmental quality board (requirements governing groundwater standards, 46 CSR 12), effective the twenty-fifth day of August, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"On page 1, in the title of the rule, by striking out the words 'Water Resources Board' and inserting in lieu thereof the words 'Bureau of the Environment' on one line and on the next line the words 'Environmental Quality Board';

On page 1, subsection 1.2, by striking out the code references '§§20-5M-4 and 20-5-5' and inserting in lieu thereof the code references '§22-12-4 and §22B-3-4';

On page 1, subsection 2.2, by striking out the words 'State Water Resources Board' and inserting in lieu thereof the words 'Environmental Quality Board';
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On page 2, subsection 3.4(a), by striking out the code reference '§22B' and inserting in lieu thereof the words 'Chapter 22, Articles 6, 7, 8, 9 or 10';

On page 2, subsection 3.4(c), by striking out the code reference '§20-5M-5(1)' and inserting in lieu thereof the code reference '§22-12-5(1)';

And,

On page 2, subsection 3.4(d), by striking out the words 'W. Va. Code §Chapter 22A, Article 3 or Chapter 20, Article 5A' and inserting in lieu thereof the words 'W. Va. Code §22-3-2 et seq. or §22-11-2 et seq.'


(a) The legislative rule relating to the solid waste management board (disbursement of loans and grants to governmental agencies for the acquisition or construction of solid waste disposal projects, 54 CSR 1), effective the seventh day of June, one thousand nine hundred ninety-one, is reauthorized with the following amendments:

"On page 1, subsection 1.2, by striking out the code reference '§16-26-1 et seq.' and inserting in lieu thereof the code reference '§22C-3-1 et seq.';

On page 1, subsection 2.1.1, by striking out the code reference '§16-26-1 et seq.' and inserting in lieu thereof the code reference '§22C-3-1 et seq.';

On page 1, subsection 2.1.3, by striking out the code reference '§16-26-4' and inserting in lieu thereof the code reference '§22C-3-4';

And,

On page 4, subsection 3.5.2, by striking out the words 'Department of Commerce, Labor and Environmental Resources' and inserting in lieu thereof the words 'Bureau of Environment'."

(b) The legislative rule relating to the solid waste management board (the establishment of fee schedule and cost allocations applicable to the issuance of bonds by the West Virginia solid waste management board, 54 CSR 2), effec-
On page 1, subsection 1.2, by striking out the code reference '§16-26-1 et seq.' and inserting in lieu thereof the code references '§22C-3-1 et seq.';

On page 1, subsection 2.1.1, by striking out the code reference '§16-26-1 et seq.' and inserting in lieu thereof the code references '§22C-3-1 et seq.';

And,

On page 1, subsection 2.1.3, by striking out the code reference '§16-26-4' and inserting in lieu thereof the code reference '§22C-3-4'.

(c) The legislative rule relating to the solid waste management board (the development of commercial solid waste facility siting plans, 54 CSR 4), effective the seventeenth day of June, one thousand nine hundred ninety-one, is reauthorized with the following amendments:

"On page 1, subsection 1.1, by striking out the code reference '§20-9-12a' and inserting in lieu thereof the code reference '§22C-4-24';

On page 1, subsection 1.4, by striking out the code reference '§16-26-6' and inserting in lieu thereof the code reference '§22C-3-6' and by striking out the code reference '§20-9-12a' and inserting in lieu thereof the code reference '§22C-4-24';

On page 1, subsection 2.1, by striking out the code reference '§20-5F-1 et seq.' and inserting in lieu thereof the code reference '§22-15-1 et seq.';

On page 1, subsection 2.2, by striking out the code reference '§20-9-3' and inserting in lieu thereof the code reference '§22C-4-3', by striking out the code reference '§20-9-4' and inserting in lieu thereof the code reference '§22C-4-4', and by striking out the code reference '§20-9-5a' and inserting in lieu thereof the code reference '§22C-4-6';
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62 On page 1, subsection 2.3, by striking out the code reference '§16-26-4' and inserting in lieu thereof the code reference '§22C-3-4';

65 On page 1, subsection 2.4, by striking out the code reference '§20-9' and inserting in lieu thereof the code reference '§22C-4';

68 On page 2, subsection 2.17, by striking out the code reference '§20-9-12a' and inserting in lieu thereof the code reference '§22C-4-24';

71 On page 3, subsection 2.21, by striking out the code reference '§20-5A' and inserting in lieu thereof the code reference '§22-11', by striking out the code reference '§20-SE' and inserting in lieu thereof the code reference '§22-18', and by striking out the words 'Chapter 22B' and inserting in lieu thereof the words 'Chapter 22C';

And,

78 On page 4, subsection 5.1.2, by striking out the code reference '§20-9-7' and inserting in lieu thereof the code reference '§22C-4-8'.

§64-11-7. Division of natural resources.

(a) The legislative rule relating to the division of natural resources (West Virginia wildlife management areas, 58 CSR 6), effective the ninth day of May, one thousand nine hundred ninety-five, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '6' and inserting in lieu thereof the series number '43';

On page 1, subsection 2.7, by striking out the reference '47 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46';

And,

On page 2, subsection 3.7, by striking out the reference '47 C.S.R. 11, 12 and 20' and inserting in lieu thereof the reference '58 CSR 45, 55 and 60'."
(b) The legislative rule relating to the division of natural resources (cooperation with federal government in management of federal lands within the state, 58 CSR 7), effective the third day of October, one thousand nine hundred eighty-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '7' and inserting in lieu thereof the series number '44';

And,

On page 1, in the title, by striking out the words 'DEPARTMENT OF NATURAL RESOURCES' and inserting in lieu thereof the words 'DIVISION OF NATURAL RESOURCES'."

(c) The legislative rule relating to the division of natural resources (rules and regulations governing shoreline camping on government owned reservoir areas in West Virginia, 58 CSR 8), effective the first day of January, one thousand nine hundred eighty-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF NATURAL RESOURCES' and inserting in lieu thereof the words 'DIVISION OF NATURAL RESOURCES';

And,

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '8' and inserting in lieu thereof the series number '30'."

(d) The legislative rule relating to the division of natural resources (regulations defining the terms to be used concerning all hunting and trapping regulations, 58 CSR 11A), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendment:
"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '11A' and inserting in lieu thereof the series number '46'."

(e) The legislative rule relating to the division of natural resources (special bear hunting rule, 58 CSR 11C), effective the ninth day of May, one thousand nine hundred ninety-five, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '11C' and inserting in lieu thereof the series number '48';

On page 1, subsection 2.1, by striking out the reference '58 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46';

And,

On page 1, subsection 3.2, by striking out the reference '58 C.S.R. 11' and inserting in lieu thereof the reference '58 CSR 45'."

(f) The legislative rule relating to the division of natural resources (general hunting regulations, 58 CSR 11D), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '11D' and inserting in lieu thereof the series number '49';

And,

On page 1, subsection 2.1, by striking out the reference '58 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46'."

(g) The legislative rule relating to the division of natural resources (deer hunting regulations, 58 CSR 11E), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:
"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '11E' and inserting in lieu thereof the series number '50';

On page 1, subsection 2.1, by striking out the reference '47 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46';

On page 1, subsection 3.1, by striking out the reference '47 C.S.R. 11' and inserting in lieu thereof the reference '58 CSR 45' in each of the two occurrences;

And,

On page 1, subsection 3.6, by striking out the reference '47 C.S.R. 11' and inserting in lieu thereof the reference '58 CSR 45'."
And,

On page 1, subsection 2.1, by striking out the reference '58 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46'.

(j) The legislative rule relating to the division of natural resources (general trapping regulations, 58 CSR 11H), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '11H' and inserting in lieu thereof the series number '53';

On page 1, subsection 2.1, by striking out the reference '47 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46';

And,

On page 2, subsection 3.17, by striking out the reference '47 C.S.R. 11' and inserting in lieu thereof the reference '58 CSR 45'.

(k) The legislative rule relating to the division of natural resources (dog training regulations, 58 CSR 111), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '111' and inserting in lieu thereof the series number '54';

And,

On page 1, subsection 2.1, by striking out the reference '47 C.S.R. 11A' and inserting in lieu thereof the reference '58 CSR 46'.

(l) The legislative rule relating to the division of natural resources (special migratory bird hunting regulations, 58 CSR 12A), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:
"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '12A' and inserting in lieu thereof the series number '56';

And,

On page 1, subsection 2.6, by striking out the reference '47 C.S.R. 12' and inserting in lieu thereof the reference '58 CSR 55'."

(m) The legislative rule relating to the division of natural resources (transporting and selling wildlife pelts, 58 CSR 16), effective the first day of May, one thousand nine hundred ninety, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word 'Department' and inserting in lieu thereof the word 'Division';

Beginning on page 1, subsection 2.8, and continuing throughout the text of the rule, by striking out the words 'Series 16A' and inserting in lieu thereof the words 'Series 17';

Beginning on page 2, subsection 4.2, and continuing throughout the text of the rule, immediately following the word 'his', by inserting the words 'or her';

On page 1, subsection 2.8, by striking out the words 'Title 47' and inserting in lieu thereof the words 'Title 58';

And,

On page 1, subsection 2.8, by striking out the reference '47 CSR 16A' and inserting in lieu thereof the reference '58 CSR 17'."

(n) The legislative rule relating to the division of natural resources (special fishing rule, 58 CSR 21), effective the ninth day of May, one thousand nine hundred ninety-five, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series
number '21' and inserting in lieu thereof the series number '61';

And,

On page 1, subsection 1.5, by striking out the reference '58 C.S.R. 20' and inserting in lieu thereof the reference '58 CSR 60'."

(o) The legislative rule relating to the division of natural resources (catching and selling bait fish, 58 CSR 22), effective the first day of June, one thousand nine hundred eighty-nine, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '22' and inserting in lieu thereof the series number '62';

And,

On page 2, subsection 8.1, by striking out the reference '47 C.S.R. 20' and inserting in lieu thereof the reference '58 CSR 60'."

(p) The legislative rule relating to the division of natural resources (point system for the revocation of hunting and fishing licenses, 58 CSR 24), effective the first day of January, one thousand nine hundred eighty-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word 'Department' and inserting in lieu thereof the word 'Division';

On page 1, subsection 6.1, immediately preceding the word 'Department' by striking out the word 'the';

And,

On page 1, subsection 6.3, immediately following the word 'his', by inserting the words 'or her'."

(q) The legislative rule relating to the division of natural resources (special motorboating regulations, 58 CSR 25C), effective the tenth day of May, one thousand
nine hundred ninety-two, is reauthorized with the following amendment:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '25C' and inserting in lieu thereof the series number '27'.'"

(r) The legislative rule relating to the division of natural resources (special requirements concerning boating, 58 CSR 25D), effective the first day of October, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '25D' and inserting in lieu thereof the series number '28';

And,

On page 1, subsection 2.1, by striking out the reference '47 CSR 25' and inserting in lieu thereof the reference '58 CSR 25'."

(s) The legislative rule relating to the division of natural resources (commercial whitewater outfitters, 58 CSR 27), effective the seventh day of April, one thousand nine hundred ninety-four, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '27' and inserting in lieu thereof the series number '12';

Beginning on page 2, subsection 4.3, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'him';

And,

Beginning on page 4, subsection 7.2, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his'."

(t) The legislative rule relating to the division of natu-
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275 ral resources (recycling assistance fund grant program, 58
276 CSR 43), effective the thirtieth day of June, one thousand
277 nine hundred ninety-three, is reauthorized with the follow-
278 ing amendment:

279 "Beginning on page 1, in the title, and continuing
280 throughout the text of the rule, by striking out the series
281 number '43' and inserting in lieu thereof the series number
282 '5'."

283 (u) The legislative rule relating to the division of
284 natural resources (conservation officers - supplemental
285 pay in lieu of overtime, 58 CSR 45), effective the first day
286 of January, one thousand nine hundred eighty-three, is
287 reauthorized with the following amendments:

288 "Beginning on page 1, in the title, and continuing
289 throughout the text of the rule, by striking out the words
290 'DEPARTMENT OF NATURAL RESOURCES' and insert-
291 ing in lieu thereof the words 'DIVISION OF NATURAL
292 RESOURCES';

293 And,

294 Beginning on page 1, in the title, and continuing
295 throughout the text of the rule, by striking out the series
296 number '45' and inserting in lieu thereof the series number
297 '13'."

298 (v) The legislative rule relating to the division of natu-
299 ral resources (regulations for handling and firing of fire-
300 arms, 58 CSR 46), effective the first day of January, one
301 thousand nine hundred eighty-three, is reauthorized with
302 the following amendments:

303 "Beginning on page 1, in the title, and continuing
304 throughout the text of the rule, by striking out the words
305 'DEPARTMENT OF NATURAL RESOURCES' and insert-
306 ing in lieu thereof the words 'DIVISION OF NATURAL
307 RESOURCES';

308 Beginning on page 1, in the title, and continuing
309 throughout the text of the rule, by striking out the series
310 number '46' and inserting in lieu thereof the series number
311 '14';
And,

On page 1, subsection 1.2, by striking out the code reference '61-7-2(e)' and inserting in lieu thereof the code reference '61-7-4(a)(8)'.

(w) The legislative rule relating to the division of natural resources (revocation of hunting and fishing licenses, 58 CSR 49), effective the first day of August, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '49' and inserting in lieu thereof the series number '23';

And,

Beginning on page 2, subsection 3.3, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his'."

(x) The legislative rule relating to the division of natural resources (hunting or fishing outfitters and guides, 58 CSR 50), effective the first day of April, one thousand nine hundred eighty-eight, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'DEPARTMENT OF NATURAL RESOURCES' and inserting in lieu thereof the words 'DIVISION OF NATURAL RESOURCES';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '50' and inserting in lieu thereof the series number '11';

Beginning on page 1, subsection 2.1, and continuing throughout the text of the rule, by inserting the words 'or her' immediately following the word 'his';

And,

On page 1, subsection 3.5, by striking out the word

(a) The legislative rule relating to the West Virginia department of agriculture (primary and secondary containment of fertilizers, 61 CSR 6B), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"On page 1, subsection 1.2, by striking out the code reference '§20-5M-5-c' and inserting in lieu thereof the code reference '§22-12-5(c)';

On page 3, subsection 4.1.8, by striking out the code reference '§20-5M-10' and inserting in lieu thereof the code reference '§22-12-10';

On page 12, subsection 13.1, by striking out the code references '§§20-5M-10 and 20-5M-11' and inserting in lieu thereof the code references '§22-12-10 and §22-12-11';

On page 12, subsection 14.1, by striking out the code reference '§20-5M-10a' and inserting in lieu thereof the code reference '§22-12-10a';

And,

(b) The legislative rule relating to the West Virginia department of agriculture (general groundwater protection rules for fertilizer and manures, 61 CSR 6C), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"On page 1, subsection 1.2, by striking out the code reference '§20-5M-5-c' and inserting in lieu thereof the code reference '§22-12-5(c)';
On page 3, subsection 5.1.8, by striking out the code reference 'WV Code 20-5M-1 et seq.' and inserting in lieu thereof the code reference 'W. Va. Code §22-12-1 et seq.';

On page 3, subsection 5.1.12, by striking out the code reference '§20-5M-10' and inserting in lieu thereof the code reference '§22-12-10';

On page 4, subsection 7.1, by striking out the code reference '§20-5M et seq.' and inserting in lieu thereof the code reference '§22-12 et seq.';

On page 4, subsection 7.1, by striking out the code reference '§20-5M-10' and inserting in lieu thereof the code reference '§22-12-10';

On page 4, subsection 8.1, by striking out the code references '§§20-5M-10 and 20-5M-11' and inserting in lieu thereof the code reference '§22-12-10 and §22-12-11';

And,

On page 4, subsection 8.2, by striking out the code reference '§20-5M et seq.' and inserting in lieu thereof the code reference '§22-12 et seq.'

(c) The legislative rule relating to the West Virginia department of agriculture (general groundwater protection rules for pesticides, 61 CSR 12G), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendments:

"Beginning on page 3, subsection 5.1.14, and continuing throughout the text of the rule, by striking out the code reference '§20-5M-10' and inserting in lieu thereof the code reference '§22-12-10';

On page 1, subsection 1.2, by striking out the code references '§§19-16A-4-6(N) and 20-5M-5-c' and inserting in lieu thereof the code references '§19-16A-4(6)(N) and §22-12-5(c)';

And,

On page 3, subsection 5.1.9, by striking out the code reference '§20-5M-1 et seq.' and inserting in lieu thereof the code reference '§22-12-1 et seq.' "
(d) The legislative rule relating to the West Virginia department of agriculture (non-bulk pesticide rules for permanent operational areas, 61 CSR 12I), effective the first day of July, one thousand nine hundred ninety-three, is reauthorized with the following amendment:

"On page 3, subsection 5.1, by striking out the code reference '§20-5M-1 et seq.' and inserting in lieu thereof the code reference '§22-12-1 et seq.'"

(e) The legislative rule relating to the West Virginia department of agriculture (generic state management plan for pesticides and fertilizers in groundwater, 61 CSR 22), effective the first day of November, one thousand nine hundred ninety-two, is reauthorized with the following amendments:

"Beginning on page 2, subsection 4.1.a, and continuing throughout the text of the rule, by striking out the words 'Division of Natural Resources' and inserting in lieu thereof the words 'Department of Environmental Protection';

On page 1, subsection 1.2, by striking out the code references '§§19-16A-4 and 20-5M-5' and inserting in lieu thereof the code references '§ 19-l 6A-4 and §22-12-5';

On page 2, subsection 4.1.a, by striking out the code reference '§20-5M-1 et seq.' and inserting in lieu thereof the code reference '§22-12-1 et seq.';

On page 2, subsection 4.3.a, by striking out the words 'Water Resources Section' and inserting in lieu thereof the words 'Office of Water Resources';

On page 3, subsection 4.6, by striking out the words 'State Department of Natural Resources' and inserting in lieu thereof the words 'State Department of Environmental Protection';

On page 4, subsection 5.1.b.A., by striking out the code reference '§20-5M-1 et seq.' and inserting in lieu thereof the code reference '§22-12-1 et seq.';

On page 4, subsection 5.1.b.D., by striking out the
code reference '§20-5F-1 et seq.' and inserting in lieu thereof the code reference '§22-15-1 et seq.';

On page 5, subsection 7.5, by striking out the words 'Department of Natural Resources' and inserting in lieu thereof the words 'Department of Environmental Protection';

On page 5, subsection 7.5, by striking out the words 'Soil Conservation Service, Agricultural Stabilization and Conservation Service' and inserting in lieu thereof the words 'Environmental Resource Conservation Service, Consolidated Farm Service Agency';

On page 6, subsection 8.2.b., by striking out the word 'SCS' and inserting in lieu thereof the words 'Environmental Resource Conservation Service';

And,

On page 7, subsection 9.5.b.A., by striking out the word 'SCS' and inserting in lieu thereof the words 'Environmental Resource Conservation Service'."

(f) The legislative rule relating to the West Virginia department of agriculture (best management practices for fertilizers and manures, 61 CSR 22B), effective the sixth day of December, one thousand nine hundred ninety-two, is reauthorized with the following amendment:

"On page 1, subsection 1.2, by striking out the code reference '§20-5M-5-c' and inserting in lieu thereof the code reference '§22-12-5(c)'.


(a) The legislative rule relating to the division of banking (regulations pertaining to the West Virginia consumer credit and protection act and the money and interest article of chapter forty-seven, 106 CSR 1), effective the twenty-fourth day of April, one thousand nine hundred ninety-two, is reauthorized with the following amendments:

"On page 2, subsection 2.3(e), by striking out the code reference '§46A-1-102(24)(a)' and inserting in lieu thereof the code reference '§46A-1-102(26)(a)', and by strik-
ing out the code reference '§46A-1-102(40)' and inserting
in lieu thereof the code reference '§46A-1-102(42)';

And,

On page 2, subsection 2.10(a)(2), by striking out the
code reference 'U.S.C. Title 29' and inserting in lieu there-
of the code reference 'U.S.C. Title 19'."

(b) The legislative rule relating to the division of
banking (legislative rule pertaining to the installation,
operation and sharing of customer bank communication
terminals and the utilization of nonexclusive access inter-
change system, 106 CSR 7), effective the eleventh day of
May, one thousand nine hundred eighty-three, is
reauthorized with the following amendments:

"On page 2, subsection 2.4, in the heading, by striking
out the word 'Bankin', and inserting in lieu thereof the
word 'Banking';

And,

On page 2, subsection 3.4, in the heading, by striking
out the word 'Bankin', and inserting in lieu thereof the
word 'Banking'."

(c) The legislative rule relating to the division of bank-
ing (regulations pertaining to the West Virginia consumer
credit and protection act, 106 CSR 8), effective the
twenty-third day of April, one thousand nine hundred
eighty-two, is reauthorized with the following amend-
ments:

"On page 1, subsection 1.2, by striking out the code
reference '§31A-3-4(c)(12)' and inserting in lieu thereof
the code reference '§31A-2-4(c)(12)';

On page 1, subsection 2.1, by striking out the code
reference 'West Virginia Code subsection (23), section one
hundred two, article one, chapter forty-six-a' and inserting
in lieu thereof the code reference 'W. Va. Code
§46A-1-102(26)';

On page 1, subsection 2.1, by striking out the code
reference 'West Virginia Code subsection (39), section one
hundred two, article one, chapter forty-six-a' and inserting
in lieu thereof the code reference 'W. Va. Code §46A-1-102(42)';

On page 1, subsection 2.1, by striking out the code reference 'West Virginia Code subsection (14), section one hundred two, article one, chapter forty-six-a' and inserting in lieu thereof the code reference 'W. Va. Code §46A-1-102(15)';

And,

On page 1, subsection 2.1, by striking out the code reference 'West Virginia Code subsection (12), section one hundred two, article one, chapter forty-six-a' and inserting in lieu thereof the code reference 'W. Va. Code §46A-1-102(13)'."

§64-11-10. Insurance commissioner.

The legislative rule relating to the insurance commissioner (insurance holding company systems reporting forms, 114 CSR 35), effective the thirteenth day of April, one thousand nine hundred ninety-four, is reauthorized with the following amendment:

"On page 5, subsection 7.1, by striking out the words 'Section 2(b) of Article 27, Chapter 33 of the Code' and inserting in lieu thereof the code reference 'W. Va. Code §33-27-2a'."

§64-11-11. Criminal justice and highway safety division, Governor's committee on crime, delinquency and correction.

The legislative rule relating to the criminal justice and highway safety division, Governor's committee on crime, delinquency and correction (police response to domestic violence, 149 CSR 3), effective the fourteenth day of April, one thousand nine hundred ninety-five, is reauthorized with the following amendments:

"On page 1, subsection 3.1, by striking out the words 'Division of Public Safety' and inserting in lieu thereof the words 'State Police';

And,
§ 64-11-12. Division of highways.

The legislative rule relating to the division of highways (transportation of hazardous wastes upon the roads and highways, 157 CSR 7), effective the twenty-second day of April, one thousand nine hundred eighty-eight, is reauthorized with the following amendment:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the words 'Department of Highways' and inserting in lieu thereof the words 'Division of Highways';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the words 'Department of Natural Resources' and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 1, subsection 1.5, by striking out the words 'Highway Services' and inserting in lieu thereof the word 'Enforcement';

On page 4, subsection 6.3.1, by striking out the words 'Washington Street' and inserting in lieu thereof the words 'Kanawha Boulevard', and by striking out the telephone number '348-3028' and inserting in lieu thereof the telephone number '558-3028';

And,

On page 4, subsection 6.3.2, by striking out the words 'Division of Waste Management' and inserting in lieu thereof the words 'Office of Waste Management'."

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 1st day of April, 1996.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date 3/28/96
Time 10:01 am