

SB 320

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 320

(By Senator Ross et. al.)



PASSED March 10 1998

In Effect from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 320

(BY SENATORS ROSS, ANDERSON, BOWMAN,
MACNAUGHTAN, BOLEY AND BUCKALEW)

[Passed March 10, 1998; in effect from passage.]

AN ACT to amend and reenact section one, article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections three and four, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; 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 division of natural resources to promulgate legislative rules relating to contracted law-enforcement services; authorizing division of natural resources to promulgate legislative rules relating to falconry; authorizing division of natural resources to promulgate legislative rules relating to general hunting; authorizing division of natural resources to promulgate legislative rules relating to hunting and trapping prohibitions; authorizing division of natural resources to promulgate legislative rules relating to special boating rule for Jennings Randolph lake; authorizing division of natural resources to promulgate legislative rules relating to special boating; authorizing division of natural resources to promulgate legislative rules relating to special fishing; authorizing division of natural resources to promulgate legislative rules relating to special migratory bird hunting; authorizing division of natural resources to promulgate legislative rules relating to special waterfowl hunting; authorizing division of labor to promulgate legislative rules relating to occupational safety and health act; and authorizing board of miner training, education and certification to promulgate legislative rules relating to safety programs.

Be it enacted by the Legislature of West Virginia:

That section one, article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections three and four, all to read as follows:

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

§64-10-1. Division of natural resources.

1 (a) The legislative rule filed in the state register on the
2 first day of August, one thousand nine hundred
3 ninety-seven, authorized under the authority of section
4 one-e, article seven, chapter twenty of this code, modified
5 by the division of natural resources to meet the objections
6 of the legislative rule-making review committee and
7 refiled in the state register on the fourth day of Septem-
8 ber, one thousand nine hundred ninety-seven, relating to
9 the division of natural resources (contracted extraordinary
10 law-enforcement services, 58 CSR 13), is authorized.

11 (b) The legislative rule filed in the state register on the
12 fifth day of December, one thousand nine hundred ninety-
13 seven, authorized under the authority of section seven,
14 article one, chapter twenty of this code, modified by the
15 division of natural resources to meet the objections of the
16 legislative rule-making review committee and refiled in
17 the state register on the twenty-third day of January, one
18 thousand nine hundred ninety-eight, relating to the
19 division of natural resources (falconry, 58 CSR 65), is
20 authorized.

21 (c) The legislative rule filed in the state register on the
22 twenty-fifth day of July, one thousand nine hundred
23 ninety-seven, authorized under the authority of section
24 seven, article one, chapter twenty of this code, modified by
25 the division of natural resources to meet the objections of
26 the legislative rule-making review committee and refiled
27 in the state register on the twenty-eighth day of August,
28 one thousand nine hundred ninety-seven, relating to the
29 division of natural resources (general hunting, 58 CSR 49),
30 is authorized.

31 (d) The legislative rule filed in the state register on the
32 twenty-fifth day of July, one thousand nine hundred
33 ninety-seven, authorized under the authority of section
34 seven, article one, chapter twenty of this code, relating to
35 the division of natural resources (prohibitions when
36 hunting and trapping, 58 CSR 47), is authorized.

37 (e) The legislative rule filed in the state register on the
38 twenty-seventh day of June, one thousand nine hundred
39 ninety-seven, authorized under the authority of section
40 seven, article one, chapter twenty of this code, modified by
41 the division of natural resources to meet the objections of
42 the legislative rule-making review committee and refiled
43 in the state register on the second day of December, one
44 thousand nine hundred ninety-seven, relating to the
45 division of natural resources (special boating rule for
46 Jennings Randolph lake, 58 CSR 29), is authorized.

47 (f) The legislative rule filed in the state register on the
48 twenty-fifth day of July, one thousand nine hundred
49 ninety-seven, authorized under the authority of section
50 twenty-three, article seven, chapter twenty of this code,
51 relating to the division of natural resources (special
52 boating, 58 CSR 26), is authorized.

53 (g) The legislative rule filed in the state register on the
54 twenty-fifth day of July, one thousand nine hundred
55 ninety-seven, authorized under the authority of section
56 seven, article one, chapter twenty of this code, relating to
57 the division of natural resources (special fishing, 58 CSR
58 61), is authorized.

59 (h) The legislative rule filed in the state register on the
60 twenty-fifth day of July, one thousand nine hundred
61 ninety-seven, authorized under the authority of section
62 seven, article one, chapter twenty of this code, modified by
63 the division of natural resources to meet the objections of
64 the legislative rule-making review committee and refiled
65 in the state register on the twenty-eighth day of August,
66 one thousand nine hundred ninety-seven, relating to the
67 division of natural resources (special migratory bird
68 hunting, 58 CSR 56), is authorized.

69 (i) The legislative rule filed in the state register on the
70 twenty-fifth day of July, one thousand nine hundred
71 ninety-seven, authorized under the authority of section
72 seven, article one, chapter twenty of this code, modified by

73 the division of natural resources to meet the objections of
74 the legislative rule-making review committee and refiled
75 in the state register on the twenty-eighth day of August,
76 one thousand nine hundred ninety-seven, relating to the
77 division of natural resources (special waterfowl hunting,
78 58 CSR 58), is authorized.

§64-10-3. Division of labor.

1 The legislative rule filed in the state register on the
2 thirty-first day of July, one thousand nine hundred
3 ninety-seven, under the authority of section six, article
4 three-a, chapter twenty-one of this code, modified by the
5 division of labor to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the first day of December, one thousand nine
8 hundred ninety-seven, relating to the division of labor
9 (West Virginia occupational safety and health act, 42 CSR
10 15), is authorized.

§64-10-4. Board of miner training, education and certification.

1 The legislative rule filed in the state register on the
2 fourteenth day of January, one thousand nine hundred
3 ninety-seven, under the authority of section six, article
4 seven, chapter twenty-two-a of this code, modified by the
5 board of miner training, education and certification to
6 meet the objections of the legislative rule-making review
7 committee and refiled in the state register on the twenty-
8 sixth day of November, one thousand nine hundred
9 ninety-seven, relating to the board of miner training,
10 education and certification (safety training program for
11 prospective surface coal miners in West Virginia, 48 CSR
12 3), is authorized with the following amendments:

13 On page six, subsection 2.9, by striking out the subsec-
14 tion in its entirety and inserting in lieu thereof the follow-
15 ing:

16 2.9 Independent coal truck driver certification.

17 a. Independent coal mine truck drivers who possess an
18 independent coal truck drivers' certification are not
19 required to complete the approved surface mining (40
20 hours) or underground mining (80 hours) apprenticeship
21 program nor must they possess a coal miners certification
22 in order to drive a coal truck on mine property.

23 b. To obtain an independent coal truck driver's certifi-
24 cate, a prospective independent coal truck driver must
25 possess a first-aid card, a valid driver's license, and must
26 successfully complete an eight hour training course,
27 prescribed by the Board of Miner Training, Education, and
28 Certification prior to taking the examination. Successful
29 completion means a score of at least 80 percent.

30 c. Persons who possess an independent coal truck
31 driver's certification are limited to driving coal trucks
32 while on mine property and are not to engage in reclama-
33 tion work or other mining activities. This experience will
34 not be applicable toward a miner's certificate.

35 And,

36 On page six, subsection 2.10, subpart b, line 3, after the
37 words "prior to" by striking out the words "June 1, 1995"
38 and inserting in lieu thereof the words "January 14, 1997".

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

Bob Schoonover
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll Edwards
.....
Clerk of the Senate

Bryan W. Gray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

.....
Speaker House of Delegates

The within *approved* this the *21st*
day of *March* 1998.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/98

Time 10:20am