WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 320

(By Senator Ross et al.)

PASSED March 10 1998
In Effect from Passage
ENROLLED

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.
(a) The legislative rule filed in the state register on the first day of August, one thousand nine hundred ninety-seven, authorized under the authority of section one-e, article seven, chapter twenty of this code, 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 fourth day of September, one thousand nine hundred ninety-seven, relating to the division of natural resources (contracted extraordinary law-enforcement services, 58 CSR 13), is authorized.

(b) The legislative rule filed in the state register on the fifth day of December, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, 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 twenty-third day of January, one thousand nine hundred ninety-eight, relating to the division of natural resources (falconry, 58 CSR 65), is authorized.

(c) The legislative rule filed in the state register on the twenty-fifth day of July, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, 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 twenty-eighth day of August, one thousand nine hundred ninety-seven, relating to the division of natural resources (general hunting, 58 CSR 49), is authorized.

(d) The legislative rule filed in the state register on the twenty-fifth day of July, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the division of natural resources (prohibitions when hunting and trapping, 58 CSR 47), is authorized.
(e) The legislative rule filed in the state register on the twenty-seventh day of June, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, 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 second day of December, one thousand nine hundred ninety-seven, relating to the division of natural resources (special boating rule for Jennings Randolph lake, 58 CSR 29), is authorized.

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

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

(h) The legislative rule filed in the state register on the twenty-fifth day of July, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, 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 twenty-eighth day of August, one thousand nine hundred ninety-seven, relating to the division of natural resources (special migratory bird hunting, 58 CSR 56), is authorized.

(i) The legislative rule filed in the state register on the twenty-fifth day of July, one thousand nine hundred ninety-seven, authorized under the authority of section seven, article one, chapter twenty of this code, modified by
§ 64-10-3. Division of labor.

The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-seven, under the authority of section six, article three-a, chapter twenty-one of this code, 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 first day of December, one thousand nine hundred ninety-seven, relating to the division of labor (West Virginia occupational safety and health act, 42 CSR 15), is authorized.

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

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

On page six, subsection 2.9, by striking out the subsection in its entirety and inserting in lieu thereof the following:

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

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

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

And,

On page six, subsection 2.10, subpart b, line 3, after the words "prior to" by striking out the words "June 1, 1995" 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.

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 approved this the 21st day of March 1998.

Governor