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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 310

(By Senator Ross, et al)



PASSED March 18, 2000
In Effect from Passage

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OFFICE OF THE CLERK
WEST VIRGINIA SENATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 310

(SENATORS ROSS, ANDERSON, MINARD, SNYDER,
UNGER AND MINEAR, *original sponsors*)

[Passed March 18, 2000; in effect from passage.]

AN ACT to amend and reenact article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 or 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 certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of

the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing the development office to promulgate a legislative rule relating to the West Virginia office of coalfield community development; authorizing the development office to promulgate a legislative rule relating to the general administration of the West Virginia capital company act; authorizing the development office to promulgate a legislative rule relating to the workforce development initiative program; authorizing the division of labor to promulgate a legislative rule relating to the amusement rides and amusement attractions safety act; authorizing the division of labor to promulgate a legislative rule relating to steam boiler operation; authorizing the division of natural resources to promulgate a legislative rule relating to the revocation of hunting and fishing licenses; authorizing the division of natural resources to promulgate a legislative rule relating to boating; authorizing the division of natural resources to promulgate a legislative rule relating to special motorboating; authorizing the division of natural resources to promulgate a legislative rule relating to the public use of West Virginia state parks, state forests and wildlife management areas under the division; authorizing the division of natural resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the division of natural resources to promulgate a legislative rule relating to special bear hunting; authorizing the division of natural resources to promulgate a legislative rule relating to the recycling assistance grant program; authorizing the division of natural resources to promulgate a legislative rule relating to general trapping; authorizing the division of natural resources to promulgate a legislative rule relating to the litter control grant program; authorizing the division of natural resources to promulgate a legislative rule relating to

special fishing; authorizing the division of natural resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses; and authorizing the division of natural resources to promulgate a legislative rule relating to the issuance of hunting, trapping and fishing licenses by telephone and/or other electronic methods.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§64-10-1. Development office.

1 (a) The legislative rule filed in the state register on the
2 eighteenth day of October, one thousand nine hundred
3 ninety-nine, under the authority of section twelve, article
4 two-a, chapter five-b of this code, relating to the develop-
5 ment office (West Virginia office of coalfield community
6 development, 145 CSR 8), is authorized.

7 (b) The legislative rule filed in the state register on the
8 sixth day of August, one thousand nine hundred ninety-
9 nine, under the authority of section five, article one,
10 chapter five-e of this code, modified by the West Virginia
11 development office to meet the objections of the legislative
12 rule-making review committee and refiled in the state
13 register on the seventeenth day of September, one thou-
14 sand nine hundred ninety-nine, relating to the economic
15 development authority (general administration of the West
16 Virginia capital company act; establishment of the appli-
17 cation procedures to implement the act, 117 CSR 1), is
18 authorized.

19 (c) The legislative rule filed in the state register on the
20 thirteenth day of October, one thousand nine hundred

21 ninety-nine, under the authority of section five, article
22 three-d, chapter eighteen-b of this code, relating to the
23 development office (workforce development initiative
24 program, 145 CSR 9), is authorized.

§64-10-2. Division of labor.

1 (a) The legislative rule filed in the state register on the
2 fourth day of August, one thousand nine hundred
3 ninety-nine, authorized under the authority of section
4 three, article ten, chapter twenty-one of this code, modi-
5 fied by the division of labor to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the third day of December, one
8 thousand nine hundred ninety-nine, relating to the divi-
9 sion of labor (amusement rides and amusement attractions
10 safety act, 42 CSR 17), is authorized.

11 (b) The legislative rule filed in the state register on the
12 fourth day of August, one thousand nine hundred
13 ninety-nine, authorized under the authority of section
14 seven, article three, chapter twenty-one of this code,
15 modified by the division of labor to meet the objections of
16 the legislative rule-making review committee and refiled
17 in the state register on the third day of December, one
18 thousand nine hundred ninety-nine, relating to the divi-
19 sion of labor (steam boiler inspection, 42 CSR 3), is
20 authorized.

§64-10-3. Division of natural resources.

1 (a) The legislative rule filed in the state register on the
2 fifth day of August, one thousand nine hundred
3 ninety-nine, authorized under the authority of section
4 seven, article one, chapter twenty of this code, modified by
5 the division of natural resources to meet the objections of
6 the legislative rule-making review committee and refiled
7 in the state register on the twenty-eighth day of Septem-
8 ber, one thousand nine hundred ninety-nine, relating to

9 the division of natural resources (revocation of hunting
10 and fishing licenses, 58 CSR 23), is authorized.

11 (b) The legislative rule filed in the state register on the
12 fifth day of August, one thousand nine hundred
13 ninety-nine, authorized under the authority of section
14 twenty-three, article seven, chapter twenty of this code,
15 modified by the division of natural resources to meet the
16 objections of the legislative rule-making review committee
17 and refiled in the state register on the twenty-eighth day
18 of September, one thousand nine hundred ninety-nine,
19 relating to the division of natural resources (boating, 58
20 CSR 25), is authorized.

21 (c) The legislative rule filed in the state register on the
22 eighth day of September, one thousand nine hundred
23 ninety-eight, authorized under the authority of section
24 twenty-three, article seven, chapter twenty of this code,
25 modified by the division of natural resources to meet the
26 objections of the legislative rule-making review committee
27 and refiled in the state register on the fourth day of May,
28 one thousand nine hundred ninety-nine, relating to the
29 division of natural resources (special motorboating, 58
30 CSR 27), is authorized with the following amendments:

31 "On page two, subdivision 3.1.1 after the word "Engi-
32 neers;" by striking out the word "and";

33 And,

34 On page two, subdivision 3.1.2 at the end of the subdivi-
35 sion by changing the period to a semicolon and adding the
36 word "and" and a new subdivision, designated 3.1.3, to
37 read as follows:

38 3.1.3. Beginning at the mouth of Fishing Creek at its
39 confluence with the Ohio River and extending upstream
40 approximately six-tenths (0.6) of a mile to the Route 2
41 Bridge. This area is situated entirely within the bound-

42 aries of the City of New Martinsville, West Virginia. The
43 city of New Martinsville, West Virginia, is responsible for
44 purchasing, placing and maintaining the No Wake Zone
45 buoys and informational signs. Signs shall meet the
46 approval of the director. Any buoys or other structures
47 placed in the water shall conform to the U.S. Coast Guard
48 Standards for Inland Rivers and, if they would interfere
49 with commercial river traffic, be approved by the U.S.
50 Army Corps of Engineers.”

51 (d) The legislative rule filed in the state register on the
52 thirtieth day of July, one thousand nine hundred
53 ninety-nine, authorized under the authority of section two,
54 article five, chapter twenty of this code, modified by the
55 division of natural resources to meet the objections of the
56 legislative rule-making review committee and refiled in
57 the state register on the twenty-third day of August, one
58 thousand nine hundred ninety-nine, relating to the divi-
59 sion of natural resources (public use of West Virginia state
60 parks, state forests, wildlife management areas under the
61 division of natural resources, 58 CSR 31), is authorized,
62 with the following amendment:

63 “On page three, section two, subsection 2.21, following
64 the comma after the words ‘Berkeley Springs,’ by inserting
65 the words ‘Brush Creek Falls day-use area managed by
66 Pipestem State Park,’ following by a comma.”

67 (e) The legislative rule filed in the state register on the
68 eighth day of September, one thousand nine hundred
69 ninety-eight, authorized under the authority of section
70 seven, article one, chapter twenty of this code, modified by
71 the division of natural resources to meet the objections of
72 the legislative rule-making review committee and refiled
73 in the state register on the fourth day of May, one thou-
74 sand nine hundred ninety-nine, relating to the division of
75 natural resources (prohibitions when hunting and trap-
76 ping, 58 CSR 47), is authorized.

77 (f) The legislative rule filed in the state register on the
78 fifteenth day of January, one thousand nine hundred
79 ninety-nine, authorized under the authority of section
80 seven, article one, chapter twenty of this code, relating to
81 the division of natural resources (special bear hunting, 58
82 CSR 48), is authorized.

83 (g) The legislative rule filed in the state register on the
84 sixth day of August, one thousand nine hundred ninety-
85 nine, authorized by section five-a, article eleven, chapter
86 twenty of this code, modified by the division of natural
87 resources to meet the objections of the legislative rule-
88 making review committee and refiled in the state register
89 on the twenty-eighth day of December, one thousand nine
90 hundred ninety-nine, relating to the division of natural
91 resources (recycling assistance grant program, 58 CSR 5),
92 is authorized, with the following amendment:

93 “On page four, subsection 4.1., in the first sentence after
94 the word “through” by striking out the words “consulta-
95 tion with” and inserting in lieu thereof the words “notifi-
96 cation of”;

97 On page four, subsection 4.1., in the second sentence
98 after the word “partnerships” by adding the word “corpo-
99 rations”;

100 On page four, subsection 4.1., in the third sentence after
101 the words “for the” by adding the words “applicant to
102 receive priority for a grant”;

103 And,

104 On page fourteen, subsection 9.1., in the first sentence
105 after the word “industry” by adding the words “solid
106 waste industry”.

107 (h) The legislative rule filed in the state register on the
108 twentieth day of July, one thousand nine hundred ninety-

109 nine, authorized by section seven, article one, chapter
110 twenty of this code, relating to the division of natural
111 resources (general trapping regulations, 58 CSR 53), is
112 authorized.

113 (i) The legislative rule filed in the state register on the
114 sixth day of August, one thousand nine hundred
115 ninety-nine, authorized under the authority of section
116 twenty-five, article seven, chapter twenty of this code,
117 modified by the division of natural resources to meet the
118 objections of the legislative rule-making review committee
119 and refiled in the state register on the twenty-eighth day
120 of December, one thousand nine hundred ninety-nine,
121 relating to the division of natural resources (litter control
122 grant program, 58 CSR 6), is authorized.

123 (j) The legislative rule filed in the state register on the
124 twentieth day of July, one thousand nine hundred
125 ninety-nine, authorized under the authority of section
126 seven, article one, chapter twenty of this code, modified by
127 the division of natural resources to meet the objections of
128 the legislative rule-making review committee and refiled
129 in the state register on the thirtieth day of August, one
130 thousand nine hundred ninety-nine, relating to the divi-
131 sion of natural resources (special fishing, 58 CSR 61), is
132 authorized.

133 (k) The legislative rule filed in the state register on the
134 fourteenth day of June, one thousand nine hundred
135 ninety-nine, authorized under the authority of section
136 seven, article one, chapter twenty of this code, modified by
137 the division of natural resources to meet the objections of
138 the legislative rule-making review committee and refiled
139 in the state register on the twentieth day of July, one
140 thousand nine hundred ninety-nine, relating to the divi-
141 sion of natural resources (lifetime hunting, trapping and
142 fishing licenses, 58 CSR 67), is authorized.

143 (l) The legislative rule filed in the state register on the
144 twentieth day of July, one thousand nine hundred
145 ninety-nine, authorized under the authority of section
146 seven, article one, chapter twenty of this code, modified by
147 the division of natural resources to meet the objections of
148 the legislative rule-making review committee and refiled
149 in the state register on the thirtieth day of August, one
150 thousand nine hundred ninety-nine, relating to the divi-
151 sion of natural resources (issuance of hunting, trapping
152 and fishing licenses by telephone and other electronic
153 methods, 58 CSR 68), is authorized.

The 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 *3rd*
Day of *April* 2000

Governor

PRESENTED TO

GOVERNMENT

Date 3/10/00

Time 4:00 pm