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
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 PRO­
MULGATE LEGISLATIVE RULES.

§64-10-1. Development office.

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

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

(c) The legislative rule filed in the state register on the
thirteenth day of October, one thousand nine hundred
ninety-nine, under the authority of section five, article three-d, chapter eighteen-b of this code, relating to the development office (workforce development initiative program, 145 CSR 9), is authorized.

§64-10-2. Division of labor.

(a) The legislative rule filed in the state register on the fourth day of August, one thousand nine hundred ninety-nine, authorized under the authority of section three, article ten, 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 third day of December, one thousand nine hundred ninety-nine, relating to the division of labor (amusement rides and amusement attractions safety act, 42 CSR 17), is authorized.

(b) The legislative rule filed in the state register on the fourth day of August, one thousand nine hundred ninety-nine, authorized under the authority of section seven, article three, 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 third day of December, one thousand nine hundred ninety-nine, relating to the division of labor (steam boiler inspection, 42 CSR 3), is authorized.

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

(a) The legislative rule filed in the state register on the fifth day of August, one thousand nine hundred ninety-nine, 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 September, one thousand nine hundred ninety-nine, relating to
the division of natural resources (revocation of hunting
and fishing licenses, 58 CSR 23), is authorized.

(b) The legislative rule filed in the state register on the
fifth day of August, one thousand nine hundred
ninety-nine, authorized under the authority of section
twenty-three, 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 twenty-eighth day
of September, one thousand nine hundred ninety-nine,
relating to the division of natural resources (boating, 58
CSR 25), is authorized.

c) The legislative rule filed in the state register on the
eighth day of September, one thousand nine hundred
ninety-eight, authorized under the authority of section
twenty-three, 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 May,
one thousand nine hundred ninety-nine, relating to the
division of natural resources (special motorboating, 58
CSR 27), is authorized with the following amendments:

“On page two, subdivision 3.1.1 after the word “Engi-
neers;” by striking out the word “and”;

And,

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

3.1.3. Beginning at the mouth of Fishing Creek at its
confluence with the Ohio River and extending upstream
approximately six-tenths (0.6) of a mile to the Route 2
Bridge. This area is situated entirely within the bound-
aries of the City of New Martinsville, West Virginia. The
city of New Martinsville, West Virginia, is responsible for
purchasing, placing and maintaining the No Wake Zone
buoys and informational signs. Signs shall meet the
approval of the director. Any buoys or other structures
placed in the water shall conform to the U.S. Coast Guard
Standards for Inland Rivers and, if they would interfere
with commercial river traffic, be approved by the U.S.
Army Corps of Engineers."

(d) The legislative rule filed in the state register on the
thirtieth day of July, one thousand nine hundred
ninety-nine, authorized under the authority of section two,
article five, 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 August, one
thousand nine hundred ninety-nine, relating to the divi-
sion of natural resources (public use of West Virginia state
parks, state forests, wildlife management areas under the
division of natural resources, 58 CSR 31), is authorized,
with the following amendment:

"On page three, section two, subsection 2.21, following
the comma after the words 'Berkeley Springs,' by inserting
the words 'Brush Creek Falls day-use area managed by
Pipestem State Park,' following by a comma."

(e) The legislative rule filed in the state register on the
eighth day of September, one thousand nine hundred
ninety-eight, 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 fourth day of May, one thou-
sand nine hundred ninety-nine, relating to the division of
natural resources (prohibitions when hunting and trap-
ing, 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-
nine, authorized by section seven, article one, chapter
twenty of this code, relating to the division of natural
resources (general trapping regulations, 58 CSR 53), is
authorized.

(i) The legislative rule filed in the state register on the
sixth day of August, one thousand nine hundred
ninety-nine, authorized under the authority of section
twenty-five, 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 twenty-eighth day
of December, one thousand nine hundred ninety-nine,
relating to the division of natural resources (litter control
grant program, 58 CSR 6), is authorized.

(j) The legislative rule filed in the state register on the
twentieth day of July, one thousand nine hundred
ninety-nine, 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 thirtieth day of August, one
thousand nine hundred ninety-nine, relating to the divi-
sion of natural resources (special fishing, 58 CSR 61), is
authorized.

(k) The legislative rule filed in the state register on the
fourteenth day of June, one thousand nine hundred
ninety-nine, 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 twentieth day of July, one
thousand nine hundred ninety-nine, relating to the divi-
son of natural resources (lifetime hunting, trapping and
fishing licenses, 58 CSR 67), is authorized.
(l) The legislative rule filed in the state register on the twentieth day of July, one thousand nine hundred ninety-nine, 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 thirtieth day of August, one thousand nine hundred ninety-nine, relating to the division of natural resources (issuance of hunting, trapping and fishing licenses by telephone and other electronic 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 ............... 2001

Governor
PRESENTED TO

GOVERNOR:

Date: 3/11/00

Time: 4:00 p.m.