WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

Committee Substitute for

SENATE BILL NO. 310

(By Senator Ross, et al)

PASSED March 11, 2000
In Effect From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 310

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

[Passed March 11, 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; establishment of the application procedures to implement the act; 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.

(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 development 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 thousand nine hundred ninety-nine, relating to the economic development authority (general administration of the West Virginia capital company act; establishment of the application procedures to implement the act, 117 CSR 1), 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 "Engineers;" by striking out the word "and";

And,

On page two, subdivision 3.1.2 at the end of the subdivision 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 boundaries 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 division 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 thousand nine hundred ninety-nine, relating to the division of natural resources (prohibitions when hunting and trapping, 58 CSR 47), is authorized.

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

(g) The legislative rule filed in the state register on the
sixth day of August, one thousand nine hundred ninety-
ine, authorized by section five-a, article eleven, 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 (recycling assistance grant program, 58 CSR 5)
is authorized, with the following amendment:

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

On page four, subsection 4.1., in the second sentence
after the word "partnerships" by adding the word "corpo-
ations";

On page four, subsection 4.1., in the third sentence after
the words "for the" by adding the words "applicant to
receive priority for a grant";

And,

On page fourteen, subsection 9.1., in the first sentence
after the word "industry" by adding the words "solid
waste industry".

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

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the Senate.
In effect from passage.

[Signatures]
Clerk of the Senate

[Signatures]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within...disapproved...this the... Day of...2008.

[Signature]
Governor