WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 4110

(By Delegates Brown, D. Poling, Miley, Talbott, Overington and Sobonya)

Passed March 11, 2010

In Effect Ninety Days From Passage
AN ACT to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by the Department of Commerce; 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 Division of Natural Resources to promulgate legislative rules relating to commercial whitewater outfitters (58 CSR 12), deer hunting (58 CSR 50) and special fishing (58 CSR 61); authorizing the Board of Trustees of the Outdoor Heritage Conservation Fund to promulgate a legislative rule relating to the Outdoor Heritage...
Conservation Fund (205 CSR 1); authorizing the Division of Tourism to promulgate a legislative rule relating to direct advertising grants program (144 CSR 1); authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to use of facilities (204 CSR 1); and authorizing the Division of Energy to promulgate a legislative rule relating to community development assessment and real property valuation procedures for the Office of Coalfield Community Development (207 CSR 1).

Be it enacted by the Legislature of West Virginia:

That article 10, chapter 64 of the code of West Virginia, 1931, as amended, be amended and reenacted 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 July 8, 2009, authorized under the authority of section twenty-three-a, article two, chapter twenty, of this code, relating to the Division of Natural Resources (commercial whitewater outfitters, 58 CSR 12), is authorized.

(b) The legislative rule filed in the state register on July 10, 2009, 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 August 14, 2009, relating to the Division of Natural Resources (deer hunting, 58 CSR 50), is authorized.

(c) The legislative rule filed in the state register on July 31, 2009, authorized under the authority of section seven,
§64-10-2. Board of Trustees of the Outdoor Heritage Conservation Fund.

The legislative rule filed in the state register on July 30, 2009, authorized under the authority of section six, article two-g, chapter five-b, of this code, modified by the Board of Trustees of the Outdoor Heritage Conservation Fund to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 21, 2009, relating to the Board of Trustees of the Outdoor Heritage Conservation Fund (Outdoor Heritage Conservation Fund, 205 CSR 1), is authorized.

§64-10-3. Division of Tourism.

The legislative rule filed in the state register on July 30, 2009, authorized under the authority of section nine, article two, chapter five-b, of this code, relating to the Division of Tourism (direct advertising grants program, 144 CSR 1), is authorized, with the following amendments:

On page two, following subdivision 2.13.5., by inserting the following: “2.13.6. Destination Camping.”;

On page four, subdivision 3.8.2., line three, following the word “organizations”, by deleting the words “may have”;

On page four, subdivision 3.8.3., line one, following the word “If” by striking the word “they”, and inserting in lieu thereof the following “the applicant and all of the partners”;

On page four, subdivision 3.8.4., line one, following the word “If”, by striking the word “they are”, and inserting in lieu thereof the words “the applicant or any partner is”;
16 On page four, subdivision 3.8.4., line two, following the word “their”, by inserting the word “respective”;

18 On page four, subdivision 3.8.4., line three, by striking the word “organization” and inserting in lieu thereof the word “organizations”;

21 On page nine, subdivision 9.1.4., line four, following the word “reimbursement”, by inserting the word “of”;

23 And,

24 On page ten, subdivision 9.1.9., line four, by striking “12.4.14” and inserting in lieu thereof “§12-4-14”.

§64-10-4. Hatfield-McCoy Regional Recreation Authority.

1 The legislative rule filed in the state register on July 29, 2009, authorized under the authority of section five, article fourteen, chapter twenty, of this code, relating to the Hatfield-McCoy Regional Recreation Authority (rules for use of facilities, 204 CSR 1), is authorized with the following amendment:

7 On page six, subsection 4.4., by striking the last sentence of the subsection in its entirety.

§64-10-5. Division of Energy.

1 The legislative rule filed in the state register on July 31, 2009, authorized under the authority of section twelve, article two-a, chapter five-b, of this code, modified by the Division of Energy to meet the objections of the legislative rule-making review committee and refiled in the state register on December 15, 2009, relating to the Division of Energy (community development assessment and real property valuation procedures for the Office of Coalfield Community
Development, 207 CSR 1), is authorized, with the following amendments:

On page five, subdivision 5.4.d, line five, following the word "chief", by inserting a comma and the words "appointed by the director pursuant to W. Va. Code §5B-2A-4, ";

On page five, subdivision 5.6.a, line one preceding the words "An evaluation" by inserting the words "The office shall include";

On page five, subdivision 5.6.b, line one preceding the words "The identification" by inserting the words "The office shall include";

On page five, paragraph 5.6.c.1, line four, by striking the words "coalfield community development statement" and inserting in lieu thereof the words "the applicable county's master land use plan";

On page six, section 5.7, line three, following the word "existing" by striking the words "community development statements" and inserting in lieu thereof the words "master land use plan";

On page six, section 5.7, line seven, following the word "modification", by inserting "of the land use master plan";

On page six, section 5.7, line fourteen, following the word "existing", by striking the words "community impact statement" and inserting in lieu thereof the words "land use master plan";

On page six, section 5.7, line seventeen, following the word "existing" by striking the words "community development statement" and inserting in lieu thereof "master land use plan";
39 On page six, section 5.8, line two, following the word “update” by striking the words “of this action report”; 

41 And, 

42 On page seven, subdivision 6.5.g, line three, following the word “statement”, by inserting the words “on file with the Office”.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within appeared this the 22nd day of ________, 2010.

Governor