

HB 4110

FILE
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C. CURTIS WILSON
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2010

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4110**

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

Passed March 11, 2010

In Effect Ninety Days From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4110

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OFFICE OF THE
SECRETARY OF STATE

(BY DELEGATES BROWN, D. POLING, MILEY,
TALBOTT, OVERINGTON AND SOBONYA)

[Passed March 11, 2010; in effect 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.

1 (a) The legislative rule filed in the state register on July
2 8, 2009, authorized under the authority of section twenty-
3 three-a, article two, chapter twenty, of this code, relating to
4 the Division of Natural Resources (commercial whitewater
5 outfitters, 58 CSR 12), is authorized.

6 (b) The legislative rule filed in the state register on July
7 10, 2009, authorized under the authority of section seven,
8 article one, chapter twenty, of this code, modified by the
9 Division of Natural Resources to meet the objections of the
10 Legislative Rule-Making Review Committee and refiled in
11 the State Register on August 14, 2009, relating to the
12 Division of Natural Resources (deer hunting, 58 CSR 50), is
13 authorized.

14 (c) The legislative rule filed in the state register on July
15 31, 2009, authorized under the authority of section seven,

16 article one, chapter twenty, of this code, relating to the
17 Division of Natural Resources (special fishing, 58 CSR 61),
18 is authorized.

**§64-10-2. Board of Trustees of the Outdoor Heritage
Conservation Fund.**

1 The legislative rule filed in the state register on July 30,
2 2009, authorized under the authority of section six, article
3 two-g, chapter five-b, of this code, modified by the Board of
4 Trustees of the Outdoor Heritage Conservation Fund to meet
5 the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on September 21,
7 2009, relating to the Board of Trustees of the Outdoor
8 Heritage Conservation Fund (Outdoor Heritage Conservation
9 Fund, 205 CSR 1), is authorized.

§64-10-3. Division of Tourism.

1 The legislative rule filed in the state register on July 30,
2 2009, authorized under the authority of section nine, article
3 two, chapter five-b, of this code, relating to the Division of
4 Tourism (direct advertising grants program, 144 CSR 1), is
5 authorized, with the following amendments:

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

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

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

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

16 On page four, subdivision 3.8.4., line two, following the
17 word “their”, by inserting the word “respective”;

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

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

23 And,

24 On page ten, subdivision 9.1.9., line four, by striking
25 “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,
2 2009, authorized under the authority of section five, article
3 fourteen, chapter twenty, of this code, relating to the
4 Hatfield-McCoy Regional Recreation Authority (rules for use
5 of facilities, 204 CSR 1), is authorized with the following
6 amendment:

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

§64-10-5. Division of Energy.

1 The legislative rule filed in the state register on July 31,
2 2009, authorized under the authority of section twelve, article
3 two-a, chapter five-b, of this code, modified by the Division
4 of Energy to meet the objections of the legislative rule-
5 making review committee and refiled in the state register on
6 December 15, 2009, relating to the Division of Energy
7 (community development assessment and real property
8 valuation procedures for the Office of Coalfield Community

9 Development, 207 CSR 1), is authorized, with the following
10 amendments:

11 On page five, subdivision 5.4.d, line five, following the
12 word “chief”, by inserting a comma and the words
13 “appointed by the director pursuant to *W. Va. Code* §5B-2A-
14 4,”;

15 On page five, subdivision 5.6.a, line one preceding the
16 words “An evaluation” by inserting the words “The office
17 shall include”;

18 On page five, subdivision 5.6.b, line one preceding the
19 words “The identification” by inserting the words “The office
20 shall include”;

21 On page five, paragraph 5.6.c.1, line four, by striking the
22 words “coalfield community development statement” and
23 inserting in lieu thereof the words “the applicable county’s
24 master land use plan”;

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

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

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

35 On page six, section 5.7, line seventeen, following the
36 word “existing” by striking the words “community development
37 statement” and inserting in lieu thereof “master land use
38 plan”;

39 On page six, section 5.8, line two, following the word
40 “update” by striking the words “of this action report”;

41 And,

42 On page seven, subdivision 6.5.g, line three, following
43 the word “statement”, by inserting the words “on file with the
44 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.

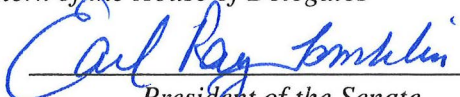
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 22nd
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2010

Time 10:40am