

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 165**

(By Senator Snyder)

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[Originating in the Committee on the Judiciary;  
reported January 30, 2014.]

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A BILL to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; 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 with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules in the form that

the rules were filed in the State Register; authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures; and authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

*Be it enacted by the Legislature of West Virginia:*

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF  
TRANSPORTATION TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-8-1. Office of Administrative Hearings.**

1       The legislative rule filed in the State Register on July 26,  
2       2013, authorized under the authority of section four-a, article  
3       five-c, chapter seventeen-c of this code, modified by the  
4       Office of Administrative Hearings to meet the objections of  
5       the Legislative Rule-Making Review Committee and refiled  
6       in the State Register on December 19, 2013, relating to the

7 Office of Administrative Hearings (appeal procedures, 105

8 CSR 1), is authorized.

**§64-8-2. Commissioner of the Division of Highways.**

1 The legislative rule filed in the State Register on July 26,

2 2013, authorized under the authority of section seven, article

3 eighteen, chapter twenty-two of this code, relating to the

4 Commissioner of the Division of Highways (transportation of

5 hazardous wastes upon the roads and highways, 157 CSR 7),

6 is authorized.