

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

Senate Bill 589

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,
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[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, §64-12-7, §64-
3 12-8, §64-12-9, §64-12-10 and §64-12-11, all relating generally to repealing certain
4 legislative, legislative exempt, procedural or interpretive rules promulgated by certain
5 miscellaneous agencies, boards and commissions which are no longer authorized or are
6 obsolete; repealing the Department of Agriculture legislative rule relating to tobacco;
7 repealing the Department of Agriculture legislative rule relating to the conduct of beef
8 industry self-improvement assessment program referendums; repealing the Department
9 of Agriculture legislative rule relating to the conduct of beef self-improvement assessment
10 program referendums; repealing the Department of Agriculture legislative rule relating to
11 West Virginia seal of quality; repealing the Department of Agriculture legislative rule
12 relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule
13 relating to the conduct of tree fruit industries self-improvement assessment program
14 referendums; repealing the Cable TV Advisory Board legislative rule relating to franchising
15 procedures; repealing the Cable TV Advisory Board legislative rule relating to
16 implementing regulations; repealing the Cable TV Advisory Board legislative rule relating
17 to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural
18 rule relating to administrative procedures for consumer complaint resolution under the
19 West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural
20 rule relating to rate regulation procedures; repealing the Cable TV Advisory Board
21 procedural rule relating to form and service of notice under section eight, article eighteen-
22 a, chapter five of this code; repealing the Contractor Licensing Board legislative rule
23 relating to consumer complaints; repealing the Secretary of State legislative rule relating
24 to matters relating to corporations and other business entity filing; repealing the Secretary
25 of State legislative rule relating to matters relating to official election forms and vendor
26 authorization; repealing the Respiratory Care Board legislative rule relating to the

27 procedure for licensure applications; repealing the Attorney General procedural rule
28 relating to freedom of information; repealing the Municipal Bond Commission procedural
29 rule relating to rules of procedure covering board and executive committee meetings of
30 the Municipal Bond Commission; repealing the Housing Development Fund legislative rule
31 relating to refiling of administrative rules pertaining to administration of single-family
32 mortgage loans; repealing the Public Service Commission legislative exempt rule relating
33 to rules and regulations for carrier access to the lines and facilities of other carriers;
34 repealing the Public Service Commission legislative exempt rule relating to rules and
35 regulations for shipper access to the lines and facilities of rail carriers; repealing the
36 Infrastructure and Jobs Development Council procedural rule relating to establishing
37 procedures to provide public notice of date, time, place, agenda and purpose of meetings
38 of the West Virginia Infrastructure and Jobs Development Council and manner in which
39 meetings are to be conducted; and repealing the Water Development Authority procedural
40 rule new procedures in relation to providing public notice of date, time, place and purpose
41 of meetings of the West Virginia Water Development Authority and manner in which
42 meetings are to be conducted.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, §64-12-7, §64-
3 12-8, §64-12-9, §64-12-10 and §64-12-11 all to read as follows:

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES
BY MISCELLANEOUS AGENCIES AND BOARDS.**

§64-12-1. Department of Agriculture.

1 (a) The legislative rule effective on November 14, 1967, authorized under the authority of
2 article two, chapter nineteen of this code, relating to the Department of Agriculture (tobacco, 61
3 CSR 11A), is repealed.

4 (b) The legislative rule effective on May 31, 1985, authorized under the authority of section
5 four, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct
6 of beef industry self-improvement assessment program referendums, 61 CSR 11C), is repealed.

7 (c) The legislative rule effective on May 31, 1985, authorized under the authority of section
8 four-j, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct
9 of beef self-improvement assessment program referendums, 61 CSR 11G), is repealed.

10 (d) The legislative rule effective on August 21, 1959, authorized under the authority of
11 article two, chapter nineteen of this code, relating to the Department of Agriculture (West Virginia
12 seal of quality, 61 CSR 15), is repealed.

13 (e) The legislative rule effective on May 1, 1995, authorized under the authority of section
14 one, article twenty-nine, chapter nineteen of this code, relating to the Department of Agriculture
15 (aquaculture farm rules , 61 CSR 23), is repealed.

16 (f) The procedural rule effective on September 23, 1989, authorized under the authority of
17 section one, article twenty-six, chapter nineteen of this code, relating to the Department of
18 Agriculture (conduct of tree fruit industries self-improvement assessment program referendums,
19 61 CSR 20), is repealed.

§64-12-2. Cable TV Advisory Board.

1 (a) The legislative rule effective on April 15, 1991, authorized under the authority of section
2 six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (franchising
3 procedures, 187 CSR 1), is repealed.

4 (b) The legislative rule effective on June 1, 1997, authorized under the authority of section
5 twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
6 (implementing regulations, 187 CSR 2), is repealed.

7 (c) The legislative rule effective on June 30, 1997, authorized under the authority of section
8 twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
9 (calculation and collection of late fee, 187 CSR 6), is repealed.

10 (d) The procedural rule effective on October 7, 1991, authorized under the authority of
11 section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory
12 Board (administrative procedures for consumer complaint resolution under the West Virginia
13 Cable TV Systems Act, 187 CSR 3), is repealed.

14 (e) The procedural rule effective on August 28, 1993, authorized under the authority of
15 section sixteen, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
16 (rate regulation procedures, 187 CSR 4), is repealed.

17 (f) The procedural rule effective on March 5, 1994, authorized under the authority of
18 section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory
19 Board (form and service of notice under section eight, article eighteen-a, chapter five of this code,
20 187 CSR 5), is repealed.

§64-12-3. Contractor Licensing Board.

1 The legislative rule effective on November 1, 2002, authorized under the authority of
2 section fourteen, article eleven, chapter twenty-one of this code, relating to the Contractor
3 Licensing Board (consumer complaints, 28 CSR 3), is repealed.

§64-12-4. Secretary of State.

1 (a) The legislative rule effective on April 3, 1998, authorized under the authority of section
2 sixty-seven, article one, chapter thirty-one of this code, relating to the Secretary of State (matters
3 relating to corporations and other business entity filing, 153 CSR 5), is repealed.

4 (b) The legislative rule effective on June 7, 1996, authorized under the authority of section
5 six, article one-a, chapter three of this code, relating to the Secretary of State (matters relating to
6 official election forms and vendor authorization, 153 CSR 26), is repealed.

§64-12-5. Respiratory Care Board.

1 The legislative rule effective on June 24, 1997, authorized under the authority of section
2 six, article thirty-four, chapter thirty of this code, relating to the Respiratory Care Board (procedure
3 for licensure applications, 30 CSR 1), is repealed.

§64-12-6. Attorney General.

1 The procedural rule effective on December 21, 1988, authorized under the authority of
2 section three, article one, chapter twenty-nine-b of this code, relating to the Attorney General
3 (freedom of information, 142 CSR 2), is repealed.

§64-12-7. Municipal Bond Commission.

1 The procedural rule effective on March 12, 1984, authorized under the authority of section
2 six, article three, chapter thirteen of this code, relating to the Municipal Bond Commission (rules
3 of procedure covering board and executive committee meetings of the Municipal Bond
4 Commission, 109 CSR 1), is repealed.

§64-12-8. Housing Development Fund.

1 The legislative rule effective on August 15, 1982, authorized under the authority of section
2 one, article eighteen-b, chapter thirty-one of this code, relating to the Housing Development Fund
3 (refiling of administrative rules pertaining to administration of single-family mortgage loans, 88
4 CSR 1) is repealed.

§64-12-9. Public Service Commission.

1 (a) The legislative exempt rule effective on December 12, 1987, authorized under the
2 authority of section one, article one, chapter twenty-four of this code, relating to the Public Service
3 Commission (rules and regulations for carrier access to the lines and facilities of other carriers,
4 150 CSR 18), is repealed.

5 (b) The legislative exempt rule effective on December 12, 1987, authorized under the
6 authority of section one, article one, chapter twenty-four of this code, relating to the Public Service
7 Commission (rules and regulations for shipper access to the lines and facilities of rail carriers,
8 150 CSR 19), is repealed.

§64-12-10. Infrastructure and Jobs Development Council.

1 The procedural rule effective on November 12, 1999, authorized under the authority of
2 section three, article nine-a, chapter six of this code, relating to the Infrastructure and Jobs

3 Development Council (establishing procedures to provide public notice of date, time, place,
4 agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development
5 Council and manner in which meetings are to be conducted, 167 CSR 2), is repealed.

§64-12-11. Water Development Authority.

1 The procedural rule effective on November 4, 1999, authorized under the authority of
2 section three, article nine-a, chapter six of this code, relating to the Water Development Authority
3 (new procedures in relation to providing public notice of date, time, place and purpose of meetings
4 of the West Virginia Water Development Authority and manner in which meetings are to be
5 conducted, 44 CSR 3), is repealed.