

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 449**

SENATOR MAYNARD, *original sponsor*

[Passed February 12, 2020; in effect from passage]



1 AN ACT to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended,  
2 relating to authorizing certain agencies of the Department of Commerce to promulgate  
3 legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-  
4 Making Review Committee; authorizing the Department of Commerce to promulgate a  
5 legislative rule relating to small business innovation research and small business  
6 technology transfer matching funds program; authorizing the Division of Labor to  
7 promulgate a legislative rule relating to supervision of plumbing work; authorizing the  
8 Division of Labor to promulgate a legislative rule relating to regulation of heating,  
9 ventilating, and cooling work; authorizing the Division of Forestry to promulgate a  
10 legislative rule relating to sediment control during commercial timber-harvesting  
11 operations—licensing; authorizing the Division of Forestry to promulgate a legislative rule  
12 relating to sediment control during commercial timber-harvesting operations—logger  
13 certification; authorizing the Office of Miners’ Health, Safety, and Training to promulgate  
14 a legislative rule relating to substance abuse screening, standards, and procedures;  
15 authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative  
16 rule relating to rules governing the certification, recertification, and training of EMT-miners  
17 and the certification of EMT-M instructors; authorizing the Division of Natural Resources  
18 to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing  
19 the Division of Natural Resources to promulgate a legislative rule relating to transporting  
20 and selling wildlife pelts and parts; authorizing the Division of Natural Resources to  
21 promulgate a legislative rule relating to boating; authorizing the Division of Natural  
22 Resources to promulgate a legislative rule relating to special boating rules; authorizing the  
23 Division of Natural Resources to promulgate a legislative rule relating to special  
24 requirements concerning boating; authorizing the Division of Natural Resources to  
25 promulgate a legislative rule relating to public use of campgrounds in West Virginia State  
26 Parks and State Forests and campsites in State Rail Trails under the Division of Natural

27 Resources; authorizing the Division of Natural Resources to promulgate a legislative rule  
28 relating to special projects and grants for the West Virginia State Parks, State Forests,  
29 and State Rail Trails under the Division of Natural Resources; authorizing the Division of  
30 Natural Resources to promulgate a legislative rule relating to defining terms used in all  
31 hunting and trapping; authorizing the Division of Natural Resources to promulgate a  
32 legislative rule relating to prohibitions when hunting and trapping; authorizing the Division  
33 of Natural Resources to promulgate a legislative rule relating to special fishing rule;  
34 authorizing the Division of Natural Resources to promulgate a legislative rule relating to  
35 catching and selling bait fish; and authorizing the Division of Natural Resources to  
36 promulgate a legislative rule relating to falconry.

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

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-10-1. Department of Commerce.**

1 The legislative rule filed in the State Register on July 18, 2019, authorized under the  
2 authority of §5B-8-2 of this code, modified by the Department of Commerce to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on December  
4 5, 2019, relating to the Department of Commerce (small business innovation research and small  
5 business technology transfer matching funds program, 145 CSR 15), is authorized.

**§64-10-2. Division of Labor.**

1 (a) The legislative rule filed in the State Register on July 17, 2019, authorized under the  
2 authority of §21-14-4 of this code, relating to the Division of Labor (supervision of plumbing work,  
3 42 CSR 32), is authorized.

4 (b) The legislative rule filed in the State Register on July 17, 2019, authorized under the  
5 authority of §21-16-5 of this code, relating to the Division of Labor (regulation of heating,  
6 ventilating, and cooling work, 42 CSR 34), is authorized.

**§64-10-3. Division of Forestry.**

1 (a) The legislative rule filed in the State Register on July 26, 2019, authorized under the  
2 authority of §19-1B-4 of this code, relating to the Division of Forestry (sediment control during  
3 commercial timber-harvesting operations—licensing, 22 CSR 02), is authorized.

4 (b) The legislative rule filed in the State Register on July 26, 2019, authorized under the  
5 authority of §19-1B-7 of this code, relating to the Division of Forestry (sediment control during  
6 commercial timber-harvesting operations—logger certification, 22 CSR 03), is authorized.

**§64-10-4. Office of Miners' Health, Safety, and Training.**

1 (a) The legislative rule filed in the State Register on July 25, 2019, authorized under the  
2 authority of §22A-1-6 of this code, relating to the Office of Miners' Health, Safety, and Training  
3 (substance abuse screening, standards, and procedures, 56 CSR 19), is authorized.

4 (b) The legislative rule filed in the State Register on July 25, 2019, authorized under the  
5 authority of §22A-10-3 of this code, relating to the Office of Miners' Health, Safety, and Training  
6 (rules governing the certification, recertification, and training of EMT-miners and the certification  
7 of EMT-M instructors, 56 CSR 22), is authorized.

**§64-10-5. Division of Natural Resources.**

1 (a) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
2 authority of §20-2-23a of this code, relating to the Division of Natural Resources (commercial  
3 whitewater outfitters, 58 CSR 12), is authorized.

4 (b) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
5 authority of §20-2-11 of this code, relating to the Division of Natural Resources (transporting and  
6 selling wildlife pelts and parts, 58 CSR 16), is authorized.

7 (c) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
8 authority of §20-7-13 of this code, relating to the Division of Natural Resources (boating rule, 58  
9 CSR 25), is authorized.

10 (d) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
11 authority of §20-7-22 of this code, modified by the Division of Natural Resources to meet the  
12 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
13 December 30, 2019, relating to the Division of Natural Resources (special boating rule, 58 CSR  
14 26), is authorized.

15 (e) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
16 authority of §20-7-22 of this code, relating to the Division of Natural Resources (special  
17 requirements concerning boating, 58 CSR 28), is authorized.

18 (f) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
19 authority of §20-5-2 of this code, modified by the Division of Natural Resources to meet the  
20 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
21 December 30, 2019, relating to the Division of Natural Resources (public use of campgrounds in  
22 West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division  
23 of Natural Resources, 58 CSR 32), is authorized.

24 (g) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
25 authority of §20-1A-7 and §20-5-2 of this code, modified by the Division of Natural Resources to  
26 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
27 Register on December 30, 2019, relating to the Division of Natural Resources (special projects  
28 and grants for West Virginia State Parks, State Forests, and State Rail Trails under the Division  
29 of Natural Resources, 58 CSR 34), is authorized.

30 (h) The legislative rule filed in the State Register on July 24, 2019, authorized under the  
31 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the  
32 terms used in all hunting and trapping, 58 CSR 46), is authorized.

33 (i) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
34 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (prohibitions  
35 when hunting and trapping, 58 CSR 47), is authorized.

36           (j) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
37 authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the  
38 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
39 December 30, 2019, relating to the Division of Natural Resources (special fishing rule, 58 CSR  
40 61), is authorized.

41           (k) The legislative rule filed in the State Register on July 23, 2019, authorized under the  
42 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (catching and  
43 selling bait fish, 58 CSR 62), is authorized.

44           (l) The legislative rule filed in the State Register on July 24, 2019, authorized under the  
45 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (falconry, 58  
46 CSR 65), is authorized.





The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2020.

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*Governor*