

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 216

BY SENATOR SYPOLT

[Passed March 11, 2021; 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 all relating generally to authorizing certain agencies of the Department of Commerce to
3 promulgate legislative rules; authorizing the rules as filed, as modified, and as amended
4 by the Legislative Rule-Making Review Committee and as amended by the Legislature;
5 authorizing the Department of Commerce to promulgate a legislative rule relating to
6 tourism development districts; authorizing the Division of Labor to promulgate a legislative
7 rule relating to high pressure steam boiler and forced flow steam generator requirements;
8 authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative
9 rule relating to rule governing the submission and approval of a comprehensive mine
10 safety program for coal mining operations in the State of West Virginia; authorizing the
11 Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo
12 State Forest trail system two-year pilot program permitting ATV's and ORV's; authorizing
13 the Division of Natural Resources to promulgate a legislative rule relating to defining the
14 terms used in all hunting and trapping; authorizing the Division of Natural Resources to
15 promulgate a legislative rule relating to deer hunting rule; authorizing the Division of
16 Natural Resources to promulgate a legislative rule relating to special migratory game bird
17 hunting; authorizing the Division of Natural Resources to promulgate a legislative rule
18 relating to special waterfowl hunting; and authorizing the Division of Rehabilitation
19 Services to promulgate a legislative rule relating to Ron Yost Personal Assistance
20 Services Act Board.

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 August 25, 2020, authorized under the
2 authority of §5B-1-9(p) of this code, modified by the Department of Commerce to meet the

3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 December 10, 2020, relating to the Department of Commerce (tourism development districts, 145
5 CSR 16), is authorized with the following amendments:

6 On page 7, subdivision 4.18.2., following the semi-colon, by inserting the word “and”;

7 On page 8, by striking out subdivision 4.18.3. in its entirety;

8 And,

9 By renumbering the remaining subdivision.

§64-10-2. Division of Labor.

10 The legislative rule filed in the State Register on August 24, 2020, authorized under the
11 authority of §21-3-7 of this code, relating to the Division of Labor (high pressure steam boiler and
12 forced flow steam generator requirements, 42 CSR 03), is authorized with the following
13 amendments:

14 On page 13, subsection 12.2, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

15 On page 13, subsection 12.5, striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

16 On page 23, subdivision 14.2.a, by striking out “\$150.00” and inserting in lieu thereof
17 “\$100.00”;

18 On page 23, subdivision 14.2.b, by striking out “\$200.00” and inserting in lieu thereof
19 “\$150.00”;

20 On page 23, subdivision 14.2.c, by striking out “\$250.00” and inserting in lieu thereof
21 “\$175.00”;

22 On page 23, subdivision 14.2.d, by striking out “\$250.00” and inserting in lieu thereof
23 “\$175.00”;

24 On page 23, subsection 14.3, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

25 On page 23, subsection 14.4, by striking out “\$90.00” and inserting in lieu thereof “\$35.00”;

26 On page 24, subsection 14.5, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

27 On page 24, subsection 14.6, by striking out “\$50.00” and inserting in lieu thereof “\$20.00”;

28 On page 24, subsection 14.7, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

29 And,

30 On page 24, subsection 14.8, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”.

§64-10-3. Office of Miners’ Health, Safety, and Training.

31 The legislative rule filed in the State Register on August 19, 2020, authorized under the
32 authority of §22A-1-6 of this code, relating to the Office of Miners’ Health, Safety, and Training
33 (rule governing the submission and approval of a comprehensive mine safety program for coal
34 mining operations in the State of West Virginia, 56 CSR 08), is authorized.

§64-10-4. Division of Natural Resources.

35 (a) The legislative rule filed in the State Register on February 26, 2020, authorized under the
36 authority of §20-3-3a of this code, relating to the Division of Natural Resources (Cabwaylingo
37 State Forest trail system two-year pilot program permitting ATV’s and ORV’s, 58 CSR 36), is
38 authorized.

39 (b) The legislative rule filed in the State Register on August 28, 2020, authorized under the
40 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the
41 terms used in all hunting and trapping, 58 CSR 46), is authorized.

42 (c) The legislative rule filed in the State Register on August 28, 2020, authorized under the
43 authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the
44 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
45 September 29, 2020, relating to the Division of Natural Resources (deer hunting rule, 58 CSR
46 50), is authorized with the following amendment:

47 On page 3, subsection 3.10, after the word “season”, by striking out the remainder of the
48 sentence.

49 (d) The legislative rule filed in the State Register on August 28, 2020, authorized under the
50 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special
51 migratory game bird hunting, 58 CSR 56), is authorized.

52 (e) The legislative rule filed in the State Register on August 28, 2020, authorized under the
53 authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special
54 waterfowl hunting, 58 CSR 58), is authorized.

§64-10-5. Division of Rehabilitation Services.

55 (f) The legislative rule filed in the State Register on August 26, 2020, authorized under the
56 authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost
57 Personal Assistance Services Act Board, 198 CSR 01), 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

The within this the.....
Day of, 2021.

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Governor