

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 223**

SENATOR MAYNARD, *original sponsor*

[Passed March 6, 2019; in effect from passage]



1 AN ACT to amend and reenact §64-10-1, §64-10-2, and §64-10-3 of the Code of West Virginia,  
2 1931, as amended, all relating generally to authorizing agencies of the Department of  
3 Commerce to promulgate legislative rules; authorizing the rules as filed, as modified by  
4 the Legislative Rule-Making Review Committee, and as amended by the Legislature;  
5 authorizing the Division of Labor to promulgate a legislative rule relating to wage payment  
6 and collection; authorizing the Division of Labor to promulgate a legislative rule relating to  
7 child labor; authorizing the Division of Labor to promulgate a legislative rule relating to  
8 regulation of heating, ventilating, and cooling work; authorizing the Office of Miners'  
9 Health, Safety, and Training to promulgate a legislative rule relating to a rule governing  
10 the safety of those employed in and around surface mines in West Virginia; authorizing  
11 the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating  
12 to a rule governing the submission and approval of a comprehensive mine safety program  
13 for coal mining operations in the State of West Virginia; authorizing the Office of Miners'  
14 Health, Safety, and Training to promulgate a legislative rule relating to rules for operating  
15 diesel equipment in underground mines in West Virginia; authorizing the Division of  
16 Natural Resources to promulgate a legislative rule relating to commercial whitewater  
17 outfitters; and authorizing the Division of Natural Resources to promulgate a legislative  
18 rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project  
19 permitting ATVs and ORVs.

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

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

**§64-10-1. Division of Labor.**

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
2 authority of §21-5-13 of this code, relating to the Division of Labor (wage payment and collection,  
3 42 CSR 5), is authorized.

4 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
5 authority of §21-6-11 of this code, modified by the Division of Labor to meet the objections of the  
6 Legislative Rule-Making Review Committee and refiled in the State Register on September 26,  
7 2018, relating to the Division of Labor (child labor, 42 CSR 9), is authorized.

8 (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
9 authority of §21-16-5 of this code, relating to the Division of Labor (regulation of heating,  
10 ventilating, and cooling work, 42 CSR 34), is authorized.

**§64-10-2. Office of Miners' Health, Safety, and Training.**

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
2 authority of §22A-1-38 of this code, relating to the Office of Miners' Health, Safety and Training  
3 (rule governing the safety of those employed in and around surface mines in West Virginia, 56  
4 CSR 3), is authorized with the following amendment:

5 On page 58, subdivision 40.5.6., after the words "stand to the", by inserting the word "side".

6 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
7 authority of §22A-1-6 of this code, relating to the Office of Miners' Health, Safety, and Training  
8 (rule governing the submission and approval of a comprehensive mine safety program for coal  
9 mining operations in the State of West Virginia, 56 CSR 8), is authorized.

10 (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
11 authority of §22A-2A-308 of this code, relating to the Office of Miners' Health, Safety, and Training  
12 (rules for operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is  
13 authorized.

**§64-10-3. Division of Natural Resources.**

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the authority  
2 of §20-2-23a of this code, modified by the Division of Natural Resources to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1,  
4 2018, relating to the Division of Natural Resources (commercial whitewater outfitters, 58 CSR 12),  
5 is authorized with the following amendment:

6 On page 19, after subsection 14.6.1., by striking out all of section 15, and renumbering  
7 the remaining sections accordingly.

8 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
9 authority of §20-3-3a of this code, modified by the Division of Natural Resources to meet the  
10 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
11 October 1, 2018, relating to the Division of Natural Resources (rules for Cabwaylingo State Forest  
12 trail system two-year pilot project permitting ATVs and ORVs, 58 CSR 36), 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 ....., 2019.

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*Governor*