

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 449

SENATOR MAYNARD, *original sponsor*

[Originating in the Committee on the Judiciary;

reported on January 28, 2020]

1 A BILL 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.