

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 216

SENATOR SYPOLT, *original sponsor*

[Originating in the Committee on the Judiciary;
reported on February 13, 2021]

1 A BILL 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; and authorizing the Division of Natural Resources to promulgate a legislative rule
18 relating to special waterfowl hunting.

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.

§64-10-2. Division of Labor.

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

5 On page 13, Section 12.2, by striking out "\$50.00" and inserting in lieu thereof "\$35.00";

6 On page 13, Section 12.5, striking out "\$50.00" and inserting in lieu thereof "\$35.00";

7 On page 23, Subsection 14.2.a, by striking out "\$150.00" and inserting in lieu thereof
8 "\$100.00";

9 On page 23, Subsection 14.2.b, by striking out "\$200.00" and inserting in lieu thereof
10 "\$150.00";

11 On page 23, Subsection 14.2.c, by striking out "\$250.00" and inserting in lieu thereof
12 "\$175.00";

13 On page 23, Subsection 14.2.d, by striking out "\$250.00" and inserting in lieu thereof
14 "\$175.00";

15 On page 23, Section 14.3, by striking out "\$50.00" and inserting in lieu thereof "\$35.00";

16 On page 23, Section 14.4, by striking out "\$90.00" and inserting in lieu thereof "\$35.00";

17 On page 24, Section 14.5, by striking out "\$50.00" and inserting in lieu thereof "\$35.00";

18 On page 24, Section 14.6, by striking out "\$50.00" and inserting in lieu thereof "\$20.00";

19 On page 24, Section 14.7, by striking out "\$90.00" and inserting in lieu thereof "\$70.00";

20 And,

21 On page 24, Section 14.8, by striking out "\$90.00" and inserting in lieu thereof "\$70.00".

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

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

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

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

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

8 (c) The legislative rule filed in the State Register on August 28, 2020, authorized under the
9 authority of §20-1-7(31) 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 September 29, 2020, relating to the Division of Natural Resources (deer hunting rule, 58 CSR
12 50), is authorized with the following amendment:

13 On page 3, subsection 3.10, after the word "season", by striking out the remainder of the
14 sentence.

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

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