

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

Senate Bill 590

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,
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[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5 and §64-12-6, all relating
3 generally to repealing certain legislative, procedural and interpretive rules promulgated by
4 certain agencies, boards and commissions which are no longer authorized or are obsolete;
5 repealing certain legislative and procedural rules of certain agencies and boards of the
6 Department of Commerce; repealing the Commercial Whitewater Advisory Board
7 legislative rule relating to commercial whitewater outfitters; repealing the Commercial
8 Whitewater Advisory Board procedural rule relating to regulations for open governmental
9 proceedings; repealing the Commissioner of Employment Security legislative rule relating
10 to regulations of the Commissioner of Employment Security; repealing the Commissioner
11 of Employment Security legislative rule relating to implementation of a pilot employment
12 supplemental matching program; repealing the Division of Forestry procedural rule relating
13 to Freedom of Information Act requests; repealing the Division of Labor legislative rule
14 relating to the West Virginia safety code for aerial passenger tramways, lifts and tows;
15 repealing the Division of Labor legislative rule relating to the West Virginia Prevailing
16 Wage Act; repealing the Minimum Wage Rate Board legislative rule relating to the West
17 Virginia Prevailing Wage Act; repealing the Division of Natural Resources legislative rule
18 relating to shoreline camping of government-owned reservoir areas in West Virginia;
19 repealing the Division of Natural Resources legislative rule relating to special bear hunting;
20 and repealing the Division of Natural Resources procedural rule relating to rules for open
21 government proceedings.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5 and §64-12-6, all to read
3 as follows:

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES

BY THE DEPARTMENT OF COMMERCE.**§64-12-1. Commercial Whitewater Advisory Board.**

1 (a) The legislative rule effective on October 8, 1987, authorized under the authority of
2 section twenty-three-a, article two, chapter twenty of this code, relating to the Commercial
3 Whitewater Advisory Board (commercial whitewater outfitters, 182 CSR 1), is repealed.

4 (b) The procedural rule effective on August 31, 1987, authorized under the authority of
5 section three, article nine-a, chapter twenty of this code, relating to the Commercial Whitewater
6 Advisory Board (regulations for open governmental proceedings, 182 CSR 2), is repealed.

§64-12-2. Commissioner of Employment Security.

1 (a) The legislative rule effective on May 1, 1991, authorized under the authority of article
2 two, chapter twenty-one-a of this code, relating to the Commissioner of Employment Security
3 (regulations of the Commissioner of Employment Security, 83 CSR 1), is repealed.

4 (b) The legislative rule effective on September 2, 1983, authorized under the authority of
5 section five, article two-a, chapter twenty-one-a of this code, relating to Commissioner of
6 Employment Security (implementation of a pilot employment supplemental matching program, 84
7 CSR 2), is repealed.

§64-12-3. Division of Forestry.

1 The procedural rule effective on June 1, 2004, authorized under the authority of section
2 three, article three, chapter twenty-nine-a of this code, relating to the Division of Forestry
3 (Freedom of Information Act requests, 22 CSR 4), is repealed.

§64-12-4. Division of Labor.

1 (a) The legislative rule effective on May 26, 1983, authorized under the authority of section
2 two, article three, chapter twenty-one of this code, relating to the Division of Labor (West Virginia
3 safety code for aerial passenger tramways, lifts and tows, 42 CSR 2), is repealed.

4 (b) The legislative rule effective on December 31, 1982, authorized under the authority of
5 article five-a, chapter twenty-one of this code, relating to the Division of Labor (West Virginia

6 Prevailing Wage Act, 42 CSR 7), is repealed.

§64-12-5. Minimum Wage Rate Board.

1 The legislative rule effective on January 1, 1983, authorized under the authority of article
2 five-a, chapter twenty-one of this code, relating to the Minimum Wage Rate Board (West Virginia
3 Prevailing Wage Act, 43 CSR 1), is repealed.

§64-12-6. Division of Natural Resources.

1 (a) The legislative rule effective on January 1, 1983, authorized under the authority of
2 section seven, article one, chapter twenty of this code, relating to the Division of Natural
3 Resources (shoreline camping of government owned reservoir areas in West Virginia, 58 CSR
4 30), is repealed.

5 (b) The legislative rule effective on May 9, 1995, authorized under the authority of section
6 seven, article one, chapter twenty of this code, relating to the Division of Natural Resources
7 (special bear hunting, 58 CSR 48), is repealed.

8 (b) The procedural rule effective on October 9, 1996, authorized under the authority of
9 section seven, article one, chapter twenty of this code, relating to the Division of Natural
10 Resources (rules for open government proceedings, 58 CSR 1), is repealed.