

# **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,  
WOELFEL AND WILLIAMS

[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.