

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 134

SENATOR MAYNARD, *original sponsor*

[Passed April 8, 2017; 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 to authorizing certain Department of Commerce legislative
3 rules; authorizing certain agencies to promulgate certain legislative rules as presented to
4 the Legislative Rule-Making Review Committee; authorizing certain agencies to
5 promulgate certain legislative rules with various modifications presented to and
6 recommended by the Legislative Rule-Making Review Committee; repealing certain
7 legislative rules promulgated by certain agencies and boards under the Department of
8 Commerce which are no longer authorized or are obsolete; directing the promulgation
9 rules by certain agencies and boards under the Department of Commerce; authorizing the
10 Division of Natural Resources to promulgate a legislative rule relating to the point system
11 for the revocation of hunting – repeal; authorizing the Division of Natural Resources to
12 promulgate a legislative rule relating to revocation of hunting and fishing licenses;
13 authorizing the Division of Natural Resources to promulgate a legislative rule relating to
14 special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a
15 legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural
16 Resources to promulgate a legislative rule relating to miscellaneous permits and licenses;
17 repealing the Division of Natural Resources legislative rule relating to litter control grant
18 program; authorizing the Office of Miners’ Health, Safety and Training to promulgate a
19 legislative rule relating to certification, recertification and training of EMT-Miners and the
20 certification of EMT-M instructors; and directing the Board of Coal Mine Health and Safety
21 to promulgate a legislative rule relating to rules governing proximity detection systems and
22 haulage safety generally.

Be it enacted by the Legislature of West Virginia:

1 That §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted, all to read as follows:

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

§64-10-1. Division of Natural Resources.

1 (a) The legislative rule filed in the State Register on August 29, 2016, authorized under
2 the authority of section seven, article one, chapter twenty of this code, relating to the Division of
3 Natural Resources (point system for the revocation of hunting - repeal, 58 CSR 24), is authorized.

4 (b) The legislative rule filed in the State Register on August 29, 2016, authorized under
5 the authority of section seven, article one, chapter twenty of this code, modified by the Division of
6 Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and
7 refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources
8 (revocation of hunting and fishing licenses, 58 CSR 23), is authorized.

9 (c) The legislative rule filed in the State Register on August 26, 2016, authorized under
10 the authority of section seven, article one, chapter twenty of this code, modified by the Division of
11 Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and
12 refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources
13 (special waterfowl hunting, 58 CSR 58), is authorized.

14 (d) The legislative rule filed in the State Register on August 26, 2016, authorized under
15 the authority of section eleven, article two, chapter twenty of this code, modified by the Division
16 of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee
17 and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources
18 (commercial sale of wildlife, 58 CSR 63), is authorized.

19 (e) The legislative rule filed in the State Register on August 26, 2016, authorized under
20 the authority of section seven, article one, chapter twenty of this code, modified by the Division of
21 Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and
22 refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources
23 (miscellaneous permits and licenses, 58 CSR 64), is authorized.

24 (f) The legislative rule effective on April 14, 2000, authorized under the authority of section
25 1 twenty-five, article seven, chapter twenty of this code, relating to the Division of Natural
26 Resources (litter control grant program, 58 CSR 6), is repealed.

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

1 The legislative rule filed in the State Register on July 6, 2016, authorized under the
2 authority of section six-c, article four-c, chapter sixteen of this code, modified by the Office of
3 Miners' Health, Safety and Training to meet the objections of the Legislative Rule-Making Review
4 Committee and refiled in the State Register on September 6, 2016, relating to the Office of Miners'
5 Health, Safety and Training (certification, recertification and training of EMT-Miners and the
6 certification of EMT-M instructors, 56 CSR 22), is authorized.

§64-10-3. Board of Coal Mine Health and Safety.

1 The Legislature directs the Board of Coal Mine Health and Safety, pursuant to the authority
2 given to the board in section four, article six, chapter twenty-two-a of this code, to promulgate the
3 legislative rule filed in the State Register by the Board of Coal Mine Health and Safety on July 1,
4 2014, relating to rules governing proximity detection systems and haulage safety generally, (36
5 CSR 57), with the amendment set forth below:

6 On page two, subsection 4.3, by striking out the date "July 1, 2017" and inserting in lieu
7 thereof the following "the timeframe set forth in the federal rule relating to proximity detection
8 systems."

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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Day of, 2017.

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Governor