

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 223

SENATOR MAYNARD, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on January 21, 2019]

1 A BILL 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 generally to authorizing agencies of the Department of
3 Commerce to promulgate legislative rules; authorizing the rules as filed, as modified by
4 the Legislative Rule-Making Review Committee, and as amended by the Legislature;
5 authorizing the Division of Labor to promulgate a legislative rule relating to wage payment
6 and collection; authorizing the Division of Labor to promulgate a legislative rule relating to
7 child labor; authorizing the Division of Labor to promulgate a legislative rule relating to
8 regulation of heating, ventilating, and cooling work; authorizing the Office of Miners’
9 Health, Safety, and Training to promulgate a legislative rule relating to rules and
10 regulations governing the safety of those employed in and around surface mines in West
11 Virginia; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a
12 legislative rule relating to rules and regulations governing the submission and approval of
13 a comprehensive mine safety program for coal mining operations in the State of West
14 Virginia; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a
15 legislative rule relating to rules for operating diesel equipment in underground mines in
16 West Virginia; authorizing the Division of Natural Resources to promulgate a legislative
17 rule relating to commercial whitewater outfitters; and authorizing the Division of Natural
18 Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest
19 trail system two-year pilot project permitting ATVs and ORVs.

Be it enacted by the Legislature of West Virginia:

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

§64-10-1. Division of Labor.

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the
2 authority of §21-5-13 of this code, relating to the Division of Labor (wage payment and collection,
3 42 CSR 5), is authorized.

4 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the
5 authority of §21-6-11 of this code, modified by the Division of Labor to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled in the State Register on September 26,
7 2018, relating to the Division of Labor (child labor, 42 CSR 9), is authorized.

8 (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the
9 authority of §21-16-5 of this code, relating to the Division of Labor (regulation of heating,
10 ventilating, and cooling work, 42 CSR 34), is authorized.

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

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the
2 authority of §22A-1-38 of this code, relating to the Office of Miners' Health, Safety and Training
3 (rule governing the safety of those employed in and around surface mines in West Virginia, 56
4 CSR 3), is authorized with the following amendment:

5 On page 58, subdivision 40.5.6., after the words "stand to the", by inserting the word "side".

6 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the
7 authority of §22A-1-6 of this code, relating to the Office of Miners' Health, Safety, and Training
8 (rule governing the submission and approval of a comprehensive mine safety program for coal
9 mining operations in the State of West Virginia, 56 CSR 8), is authorized.

10 (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the
11 authority of §22A-2A-308 of this code, relating to the Office of Miners' Health, Safety, and Training
12 (rules for operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is
13 authorized.

§64-10-3. Division of Natural Resources.

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the
2 authority of §20-2-23a of this code, modified by the Division of Natural Resources to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

4 October 1, 2018, relating to the Division of Natural Resources (commercial whitewater outfitters,
5 58 CSR 12), is authorized.

6 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the
7 authority of §20-3-3a of this code, modified by the Division of Natural Resources to meet the
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
9 October 1, 2018, relating to the Division of Natural Resources (rules for Cabwaylingo State Forest
10 trail system two-year pilot project permitting ATVs and ORVs, 58 CSR 36), is authorized.