

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

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 (rules and regulations governing the safety of those employed in and around surface mines in
4 West Virginia, [56 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 (rules and regulations governing the submission and approval of a comprehensive mine safety
9 program for coal 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.