

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 240**

SENATORS MAYNARD, TRUMP, CLINE, AND SWOPE,

*original sponsors*

[Passed February 11, 2019; in effect from passage]



1 AN ACT 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, §64-12-6, and §64-12-7,  
3 all relating generally to repealing certain legislative rules promulgated by certain agencies,  
4 boards, and commissions which are no longer authorized or are obsolete; authorizing  
5 certain agencies and commissions under the Department of Administration, Department  
6 of Environmental Protection, Department of Military Affairs and Public Safety, Department  
7 of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and  
8 commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing  
9 the Department of Administration legislative rule relating to the state Purchasing Card  
10 Program; repealing the Department of Environmental Protection legislative rule relating to  
11 abandoned mine lands reclamation; repealing the Department of Environmental  
12 Protection legislative rule relating to certification of gas wells; repealing the Regional Jail  
13 and Correctional Facility Authority legislative rule relating to handbook of inmate rules and  
14 procedures; repealing the Regional Jail and Correctional Facility Authority legislative rule  
15 relating to furlough program for regional jails; repealing the Regional Jail and Correctional  
16 Facility Authority legislative rule relating to criteria and procedures for determination of  
17 projected cost per day for inmates incarcerated in regional jails operated by the authority;  
18 repealing the Regional Jail and Correctional Facility Authority legislative rule relating to  
19 work program for regional jail inmates; repealing the Regional Jail and Correctional Facility  
20 Authority legislative rule relating to West Virginia minimum standards for construction,  
21 operation, and maintenance of jails; repealing the Insurance Commission legislative rule  
22 relating to health insurance benefits for temporomandibular and craniomandibular  
23 disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss  
24 ratios as applied to individual sickness and accident insurance policies; repealing the  
25 Insurance Commission legislative rule relating to external review of coverage denials;  
26 repealing the Insurance Commission legislative rule relating to small employer eligibility

27 requirements; repealing the Division of Motor Vehicles legislative rule relating to eligibility  
28 for reinstatement following suspension or revocation of driving privileges; repealing the  
29 Board of Social Work Examiners legislative rule relating to applications; and repealing the  
30 Division of Labor legislative rule relating to the Safety Glazing Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.**

**§64-12-1. Department of Administration.**

1 The legislative rule effective March 18, 2002, authorized under the authority of §12-3-10a  
2 of this code, relating to the Department of Administration (state Purchasing Card Program, 148  
3 CSR 7), is repealed.

**§64-12-2. Department of Environmental Protection.**

1 (a) The legislative rule effective June 1, 1995, authorized under the authority of §22-1-3  
2 of this code, relating to the Department of Environmental Protection (abandoned mine lands  
3 reclamation rule, 59 CSR 1), is repealed.

4 (b) The legislative rule effective May 10, 2001, authorized under the authority of §22-1-3  
5 of this code, relating to the Department of Environmental Protection (certification of gas wells, 35  
6 CSR 7), is repealed.

**§64-12-3. Department of Military Affairs and Public Safety.**

1 (a) The legislative rule effective October 8, 1994, authorized under the authority of §31-  
2 20-5(v) of this code, relating to the Regional Jail and Correctional Facility Authority (handbook of  
3 inmate rules and procedures, 94 CSR 5), is repealed.

4 (b) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-  
5 29 of this code, relating to the Regional Jail and Correctional Facility Authority (furlough program  
6 for regional jails, 94 CSR 6), is repealed.

7 (c) The legislative rule effective April 28, 2014, authorized under the authority of §31-20-  
8 10(h) of this code, relating to the Regional Jail and Correctional Facility Authority (criteria and

9 procedures for determination of projected cost per day for inmates incarcerated in regional jails  
10 operated by the authority, 94 CSR 7), is repealed.

11 (d) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-  
12 31 of this code, relating to the Regional Jail and Correctional Facility Authority (work program for  
13 regional jail inmates, 94 CSR 8), is repealed.

14 (e) The legislative rule effective June 3, 1996, authorized under the authority of §31-20-9  
15 of this code, relating to the Regional Jail and Correctional Facility Authority (West Virginia  
16 minimum standards for construction, operation, and maintenance of jails, 95 CSR 1), is repealed.

**§64-12-4. Department of Tax and Revenue.**

1 (a) The legislative rule effective May 31, 1991, authorized under the authority of §33-2-10  
2 of this code, relating to the Insurance Commissioner (health insurance benefits for  
3 temporomandibular and craniomandibular disorders, 114 CSR 29), is repealed.

4 (b) The legislative rule effective April 29, 2008, authorized under the authority of §33-2-10  
5 of this code, relating to the Insurance Commissioner (guaranteed loss ratios as applied to  
6 individual sickness and accident insurance policies, 114 CSR 31), is repealed.

7 (c) The legislative rule effective July 1, 2002, authorized under the authority of §33-2-10  
8 of this code, relating to the Insurance Commissioner (external review of coverage denials, 114  
9 CSR 58), is repealed.

10 (d) The legislative rule effective May 6, 2005, authorized under the authority of §33-2-10  
11 of this code, relating to the Insurance Commissioner (small employer eligibility requirements, 114  
12 CSR 73), is repealed.

**§64-12-5. Department of Transportation.**

1 The legislative rule effective April 2, 1986, authorized under the authority of §17A-2-9 of  
2 this code, relating to the Division of Motor Vehicles (eligibility for reinstatement following  
3 suspension or revocation of driving privileges, 91 CSR 16), is repealed.

**§64-12-6. Miscellaneous agencies, boards, and commissions.**

1           The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of  
2 this code, relating to the Board of Social Work Examiners (applications, 25 CSR 4), is repealed.

**§64-12-7. Bureau of Commerce.**

1           The legislative rule effective August 6, 1971, authorized under the authority of §47-5-1 of  
2 this code, relating to the Division of Labor (Safety Glazing Act, 42 CSR 13), is repealed.

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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The within ..... this the.....  
Day of ....., 2019.

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*Governor*