WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 216

By Senator Sypolt

[Passed March 11, 2021; in effect from passage]

AN ACT to amend and reenact §64-10-1 *et seq*. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. Authorization for Department of commerce to promulgate legislative rules.

**§64-10-1. Department of Commerce.**

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §5B-1-9(p) of this code, modified by the Department of Commerce to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 10, 2020, relating to the Department of Commerce (tourism development districts, 145 CSR 16), is authorized with the following amendments:

On page 7, subdivision 4.18.2., following the semi-colon, by inserting the word “and”;

On page 8, by striking out subdivision 4.18.3. in its entirety;

And,

By renumbering the remaining subdivision.

**§64-10-2. Division of Labor.**

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §21-3-7 of this code, relating to the Division of Labor (high pressure steam boiler and forced flow steam generator requirements, 42 CSR 03), is authorized with the following amendments:

On page 13, subsection 12.2, by striking out “$50.00” and inserting in lieu thereof “$35.00”;

On page 13, subsection 12.5, striking out “$50.00” and inserting in lieu thereof “$35.00”;

On page 23, subdivision 14.2.a, by striking out “$150.00” and inserting in lieu thereof “$100.00”;

On page 23, subdivision 14.2.b, by striking out “$200.00” and inserting in lieu thereof “$150.00”;

On page 23, subdivision 14.2.c, by striking out “$250.00” and inserting in lieu thereof “$175.00”;

On page 23, subdivision 14.2.d, by striking out “$250.00” and inserting in lieu thereof “$175.00”;

On page 23, subsection 14.3, by striking out “$50.00” and inserting in lieu thereof “$35.00”;

On page 23, subsection 14.4, by striking out “$90.00” and inserting in lieu thereof “$35.00”;

On page 24, subsection 14.5, by striking out “$50.00” and inserting in lieu thereof “$35.00”;

On page 24, subsection 14.6, by striking out “$50.00” and inserting in lieu thereof “$20.00”;

On page 24, subsection 14.7, by striking out “$90.00” and inserting in lieu thereof “$70.00”; And,

On page 24, subsection 14.8, by striking out “$90.00” and inserting in lieu thereof “$70.00”.

**§64-10-3. Office of Miners’ Health, Safety, and Training.**

The legislative rule filed in the State Register on August 19, 2020, authorized under the authority of §22A-1-6 of this code, relating to the Office of Miners’ Health, Safety, and Training (rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia, 56 CSR 08), is authorized.

**§64-10-4. Division of Natural Resources.**

1. The legislative rule filed in the State Register on February 26, 2020, authorized under the authority of §20-3-3a of this code, relating to the Division of Natural Resources (Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s, 58 CSR 36), is authorized.
2. The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the terms used in all hunting and trapping, 58 CSR 46), is authorized.
3. The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2020, relating to the Division of Natural Resources (deer hunting rule, 58 CSR 50), is authorized with the following amendment:

On page 3, subsection 3.10, after the word “season”, by striking out the remainder of the sentence.

1. The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.
2. The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

§64-10-5. Division of Rehabilitation Services.

1. The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, [198 CSR 01](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=198-01)), is authorized.