

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

1992 FEB 14 PM 2:55

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources,

AGENCY: Division of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY W.Va. Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25D

TITLE OF RULE BEING PROPOSED: Special Requirements Concerning Boating

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Monday, 3-16-92 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Division of Natural Resources

Law Enforcement Section

Capitol Complex

Building 3, Room 840

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


J. Edward Hamrick III, Director

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

MEMORANDUM OF CONSENT

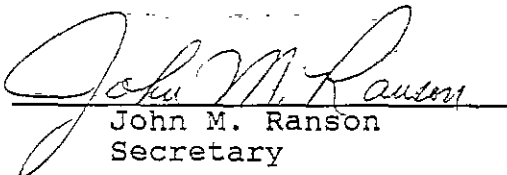
MEMORANDUM TO: J. Edward Hamrick III, Director
Division of Natural Resources

FROM: John M. Ranson, Secretary
Department of Commerce, Labor,
and Environmental Resources

SUBJECT: Consent to File Agency Proposed Regulations

The following regulation has my approval to be proposed pursuant to the Administrative Procedures Act set forth under Chapter 29A of the West Virginia Code [W. Va. Code §29A et seq.].

<u>Title</u>	<u>Series</u>	<u>Name</u>
47	25D	Special Requirements Concerning Boating



John M. Ranson
Secretary

2/12/92
Date

FISCAL NOTE FOR PROPOSED RULE

FILED

Rule Title: Special Requirements Concerning Boating, 47CSR25D

1992 FEB 14 PM 2:55

Type of Rule: Legislative Interpretive Procedural

OFFICE OF THE CLERK OF THE SENATE
STATE OF WEST VIRGINIA

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL			FISCAL YEAR	
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$

Personal Services
 Current Expenses
 Repairs & Alterations NO CHANGE
 Equipment
 Other

2. Explanation of above estimates: These regulations establish safe boating practices while underway on specified waters of this State. No new administrative expenditures are anticipated.


3. Objectives of this rule: The objective of this rule is to provide for reduction of injury or fatality while boating on specified waters within this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government. No impact.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact.
- C. Economic Impact on Citizens/ Public at Large. No impact.

Date: 2-14-92

Signature of Agency Head or Authorized Representative


 Director, Division of Natural Resources

DATE:

2-14-92

TO:

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

Department of Commerce, Labor and Environmental Resources, Division of Natural Resources.

EMERGENCY

RULE TITLE:

"Special Requirements Concerning Boating"

1. Emergency rule was filed on: 2-14-92.
2. Statutory authority for promulgating the emergency rule: West Virginia Code §20-1-7(30).
3. Proposed legislative rule was filed on: _____.
4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule? The emergency rule adopts new language.
5. Has the same or similar emergency rule previously been filed and expired? No.
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety, or welfare. See discussion under Item 8.
7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute, or federal regulation and time limit established therein. Not Applicable.
8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest. The emergency rule provides for safe boating practices while underway on specified waters of this State. The rule requires the use of personal flotation devices while underway on that portion of the Shenandoah River within the West Virginia boundary.

FILED
1992 FEB 14 PM 2:56
OFFICE OF THE CLERK
WEST VIRGINIA STATE

PREAMBLE TO A PROPOSED RULE
CONCERNING BOATING

FILED
1992 FEB 14 PM 2:55

AGENCY: Department of Commerce, Labor, and Environmental Resources, Division of Natural Resources

REGULATION: Title 47, Series 25D, "Special Requirements Concerning Boating."

ACTION: Filing of a Proposed Rule and Notice of a thirty-day public comment period.

SUMMARY: The proposed rule being filed today provides for safe boating practices while underway on specified waters of this State. Written comments can be sent to:

Law Enforcement Section
WV Div. of Natural Resources
Capitol Complex
Building 3, Room 840
Charleston, West Virginia 25305

Comments will be accepted until 4:30 p.m. March

16, 1992

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 25D
SPECIAL REQUIREMENTS CONCERNING BOATING

§47-25D-1. General.

1.1. Scope and Purpose. -- These regulations establish specific requirements that must be complied with when on specified waters of this State.

1.2. Authority. -- West Virginia Code §§20-1-7(30), 20-7-13, and 20-7-22.

1.3. Filing Date. --

1.4. Effective Date. --

§47-25D-2. Definitions.

2.1. All terms shall have the meaning prescribed under Title 47, Series 25, "Boating Regulations" under the Code of State Regulations.

§47-25D-3. Special Requirements.

3.1. A person aboard a vessel, raft, or tube shall wear a U.S. Coast Guard Approved Type I, II, III, or V personal flotation device (PFD) at all times while underway on the Shenandoah River within the boundaries of the State of West Virginia during the period beginning at 12:01 a.m. each November 15 and ending at 12 midnight each succeeding May 15.

FILED
1992 FEB 14 PM 2:50
OFFICE OF THE CLERK
DIVISION OF NATURAL RESOURCES
DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
STATE OF WEST VIRGINIA