



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Miners Health Safety And Training

TITLE-SERIES: 56-23

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W.Va. Code §§22A-2A-1001 and 22A-2A-308  
(a)

RULE NAME: 56-23 Operating Diesel Equipment in Underground Mines in West Virginia

PLEASE SELECT A SUNSET PROVISION OPTION:

EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS  INCORPORATED BY REFERENCE

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Summary of Content: The legislative rule governs the use and operation of diesel powered equipment in underground coal mines in West Virginia.

Purpose: The legislative rule establishes the standards, procedures and interpretative guidelines under which diesel powered equipment may be used in an underground coal mine in the state of West Virginia. There are no proposed changes to the existing rule other than to extend the sunset date of the rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

W. Va. Code § 22A-2A-101 sets forth that diesel powered equipment for use in underground coal mines may only be approved, operated and maintained in accordance with state code and rules promulgated by the Director of the West Virginia Office of Miners' Health, Safety and Training. Diesel equipment continues to be used in underground coal mines and the continuation of required legislative rules implementing the provisions of WV code and providing for the safe operation of diesel powered equipment is necessary so that coal operators may continue to use diesel powered equipment in a safe, legal manner in West Virginia.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Neutral

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Neutral

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
<b>Personal Services</b>	0.00	0.00	0.00
<b>Current Expenses</b>	0.00	0.00	0.00
<b>Repairs and Alterations</b>	0.00	0.00	0.00
<b>Assets</b>	0.00	0.00	0.00
<b>Other</b>	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No proposed changes are being made to the existing legislative rule.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

**Yes**

**James Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**