

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 409

BY SENATOR WOODRUM

[Passed March 10, 2023; in effect from passage]

FILED

2023 MAR 23 P 3:37

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

SB 409

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1 AN ACT to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Commerce to
3 promulgate legislative rules; authorizing the rules as filed, as modified, as modified and
4 amended, and as amended by the Legislative Rule-Making Review Committee and as
5 amended by Legislature; relating to authorizing the West Virginia Department of Economic
6 Development to promulgate a legislative rule relating to the Small Business Innovation
7 Research and Small Business Technology Transfer Matching Funds Program; relating to
8 authorizing the Division of Labor to promulgate a legislative rule relating to the West
9 Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing
10 the Division of Labor to promulgate a legislative rule relating to supervision of plumbing
11 work; relating to authorizing the Division of Labor to promulgate a legislative rule relating
12 to regulation of heating, ventilating, and cooling work; relating to authorizing the Division
13 of Labor to promulgate a legislative rule relating to registration of service persons and
14 service agencies; relating to authorizing the Division of Labor to promulgate a legislative
15 rule relating to registration of weighing and measuring devices used by businesses in
16 commercial transactions; relating to authorizing the Division of Natural Resources to
17 promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides;
18 relating to authorizing the Division of Natural Resources to promulgate a legislative rule
19 relating to commercial whitewater outfitters; relating to authorizing the Division of Natural
20 Resources to promulgate a legislative rule relating to special motorboating regulations;
21 and relating to authorizing the Division of Natural Resources to promulgate a legislative
22 rule relating to miscellaneous permits and licenses.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO
PROMULGATE LEGISLATIVE RULES.**

§64-10-1. West Virginia Department of Economic Development.

1 The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §5B-8-2 of this code, modified by the West Virginia Department of Economic
3 Development to meet the objections of the Legislative Rule-Making Review Committee and refiled
4 in the State Register on November 1, 2022, relating to the West Virginia Department of Economic
5 Development (Small Business Innovation Research and Small Business Technology Transfer
6 Matching Funds Program, 145 CSR 15), is authorized with the amendments set forth below:

7 On page 1, by striking out all of subsection 2.1. and inserting lieu thereof of a new
8 subsection 2.1. to read as follows:

9 "2.1. The West Virginia Small Business Innovation Research and Small Business
10 Technology Transfer Matching Funds Program is established. It shall be administered by the
11 Department of Economic Development. The purpose of this matching funds program is to foster
12 job creation and economic development in the state. The Department of Economic Development
13 may provide grants to eligible small businesses to prepare a competitive Phase I proposal, or
14 match funds they receive from Small Business Innovation Research or Small Business
15 Technology Transfer Phase I and Phase II awards. The Department of Economic Development
16 will pay the grants from the fund known as the "Entrepreneurship and Innovation Investment
17 Fund" created pursuant to W.Va. Code §5B-2-16.";

18 And,

19 On page 1, subsection 3.1. by striking out the words "West Virginia Department of
20 Commerce" and inserting in lieu thereof the words "West Virginia Department of Economic
21 Development".

§64-10-2. Division of Labor.

1 (a) The legislative rule filed in the State Register on July 26, 2022, authorized under the
2 authority of §21-9-4 of this code, modified by the Division of Labor to meet the objections of the

3 Legislative Rule-Making Review Committee and refiled in the State Register on September 15,
4 2022, relating to the Division of Labor (West Virginia Board of Manufactured Housing
5 Construction and Safety, 42 CSR 19), is authorized.

6 (b) The legislative rule filed in the State Register on July 29, 2022, authorized under the
7 authority of §21-14-4 of this code, relating to the Division of Labor (supervision of plumbing work,
8 42 CSR 32), is authorized.

9 (c) The legislative rule filed in the State Register on July 29, 2022, authorized under the
10 authority of §21-16-5 of this code, modified by the Division of Labor to meet the objections of the
11 Legislative Rule-Making Review Committee and refiled in the State Register on September 15,
12 2022, relating to the Division of Labor (regulation of heating, ventilating, and cooling work, 42
13 CSR 34), is authorized with the amendment set forth below:

14 On page 10, section 13.2., by striking out the word "plumbing" and inserting in lieu thereof
15 the word "HVAC".

16 (d) The legislative rule filed in the State Register on November 30, 2021, authorized under
17 the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of
18 the Legislative Rule-Making Review Committee and refiled in the State Register on September
19 15, 2022, relating to the Division of Labor (registration of service persons and service agencies,
20 42 CSR 35), is authorized.

21 (e) The legislative rule filed in the State Register on November 30, 2021, authorized under
22 the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of
23 the Legislative Rule-Making Review Committee and refiled in the State Register on September
24 15, 2022, relating to the Division of Labor (registration of weighing and measuring devices used
25 by businesses in commercial transactions, 42 CSR 36), is authorized.

§64-10-3. Division of Natural Resources.

1 (a) The legislative rule filed in the State Register on November 30, 2021, authorized under
2 the authority of §20-7-7 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 September 29, 2022, relating to the Division of Natural Resources (hunting, fishing, and other
5 outfitters and guides, 58 CSR 11), is authorized with the amendment set forth below:

6 On page 4, by striking out all of sections 7.1., 7.2., 7.3., and 7.4. and inserting in lieu
7 thereof a new section 7.1. to read as follows:

8 "7.1. The Division may refer violations of the provisions of this rule to the appropriate law
9 enforcement or prosecutor's office for criminal prosecution."

10 (b) The legislative rule filed in the State Register on July 29, 2022, authorized under the
11 authority of §20-2-23a of this code, relating to the Division of Natural Resources (commercial
12 whitewater outfitters, 58 CSR 12), is authorized with the amendment set forth below:

13 On page 18, section 15.1., by striking out all of section 15.1. and inserting in lieu thereof
14 a new section 15.1. to read as follows:

15 "15.1. The Division may refer violations of the provisions of this rule to the appropriate law
16 enforcement or prosecutor's office for criminal prosecution."

17 (c) The legislative rule filed in the State Register on July 29, 2022, authorized under the
18 authority of §20-7-22 of this code, relating to the Division of Natural Resources (special
19 motorboating regulations, 58 CSR 27), is authorized.

20 (d) The legislative rule filed in the State Register on November 30, 2021, authorized under
21 the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the
22 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
23 September 29, 2022, relating to the Division of Natural Resources (miscellaneous permits and
24 licenses, 58 CSR 64), is authorized with the amendments set forth below:

25 On page 19, by striking out all of sections 8.1. and 8.2. in their entirety and inserting in lieu
26 thereof a new section 8.1. to read as follows:

27 "8.1. The Division may refer violations of the provisions of this rule to the appropriate law
28 enforcement or prosecutor's office for criminal prosecution."

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

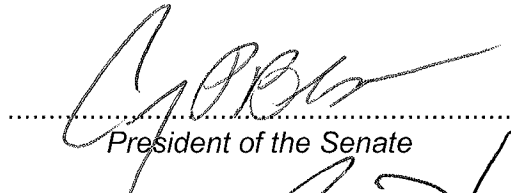

Clerk of the Senate

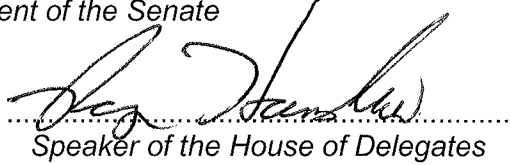

Clerk of the House of Delegates

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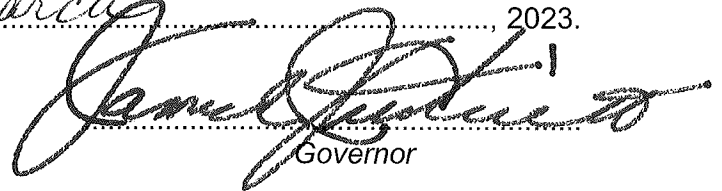
Originated in the Senate.

In effect from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 23rd
Day of March, 2023.


Governor

PRESENTED TO THE GOVERNOR

MAR 16 2023

Time 11:41am