

SB 162

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REGULAR SESSION, 1996



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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 162

(By Senator ROSS, ET AL)



PASSED MARCH 9, 1996
In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 162

(SENATORS ROSS, ANDERSON, BOLEY,
BUCKALEW, GRUBB AND MACNAUGHTAN, *original sponsors*)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the commissioner of agriculture

to promulgate legislative rules relating to the inspection of meat and poultry, as modified; authorizing the commissioner of agriculture to promulgate legislative rules relating to certified pesticide applicator, as modified; authorizing the commissioner of agriculture to promulgate legislative rules relating to the West Virginia plant pest act, as modified; authorizing the commissioner of agriculture to promulgate legislative rules relating to dairy products and imitation dairy products, as modified; authorizing the commissioner of agriculture to promulgate legislative rules relating to frozen desserts and imitation frozen desserts, as modified; authorizing the commissioner of agriculture to promulgate legislative rules relating to integrated pest management programs in schools and day care centers, as amended; authorizing the secretary of state to promulgate legislative rules relating to agencies designated to provide voter registration service, as modified; authorizing the secretary of state to promulgate legislative rules relating to guidelines for the use of nicknames and other designations on the ballot, as modified; authorizing the secretary of state to promulgate legislative rules relating to the procedures for canvassing electronic ballot elections using punch card or optical scan ballots, as modified; authorizing the secretary of state to promulgate legislative rules relating to absentee voting by military voters who are members of reserve units called to active duty, as modified; authorizing the secretary of state to promulgate legislative rules relating to numbered divisions for the election of circuit judges, as modified; authorizing the secretary of state to promulgate legislative rules relating to combined voter registration and the driver licensing fund, as filed; authorizing the secretary of state to promulgate legislative rules relating to official election forms and vendor authorization, as modified; authorizing the secretary of state to promulgate legislative rules relating to procedures for handling ballots and counting write-in votes in counties using punch card or optical scan ballots, as modified; authorizing the secretary of state to promulgate legisla-

tive rules relating to a standard size and format for rules and procedures for publication of the state register, as modified and amended; authorizing the governor's committee on crime, delinquency and correction to promulgate legislative rules relating to the basic training academy, annual in-service and biennial in-service training standards, as modified; authorizing the state election commission to promulgate legislative rules relating to election expenditures, as modified; authorizing the state election commission to promulgate legislative rules relating to the regulation of campaign finances, as modified and amended; authorizing the state election commission to promulgate legislative rules relating to the fair campaign practices, as modified; authorizing the state election commission to promulgate legislative rules relating to corporate political activity, as modified and amended; authorizing the cable television advisory board to promulgate legislative rules relating to the calculation and collection of late fees, as modified; authorizing the contractor licensing board to promulgate legislative rules relating to the West Virginia contractor licensing act, as modified; and authorizing the infrastructure and jobs development council to promulgate legislative rules relating to infrastructure and jobs development council funding rules, as modified and amended.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Commissioner of agriculture.

- 1 (a) The legislative rules filed in the state register on the
- 2 twenty-seventh day of July, one thousand nine hundred
- 3 ninety-five, authorized under the authority of section
- 4 three, article two-b, chapter nineteen of this code,
- 5 modified by the commissioner of agriculture to meet the

6 objections of the legislative rule-making review commit-
7 tee and refiled in the state register on the twentieth day
8 of October, one thousand nine hundred ninety-five,
9 relating to the commissioner of agriculture (inspection of
10 meat and poultry, 61CSR16), are authorized.

11 (b) The legislative rules filed in the state register on the
12 thirty-first day of July, one thousand nine hundred
13 ninety-five, authorized under the authority of section
14 four, article sixteen-a, chapter nineteen of this code,
15 modified by the commissioner of agriculture to meet the
16 objections of the legislative rule-making review commit-
17 tee and refiled in the state register on the nineteenth day
18 of September, one thousand nine hundred ninety-five,
19 relating to the commissioner of agriculture (certified
20 pesticide applicators, 61CSR12A), are authorized.

21 (c) The legislative rules filed in the state register on the
22 first day of August, one thousand nine hundred ninety-
23 five, authorized under the authority of section three,
24 article twelve, chapter nineteen of this code, modified by
25 the commissioner of agriculture to meet the objections of
26 the legislative rule-making review committee and refiled
27 in the state register on the twenty-fifth day of October,
28 one thousand nine hundred ninety-five, relating to the
29 commissioner of agriculture (West Virginia plant pest
30 act, 61CSR14), are authorized.

31 (d) The legislative rules filed in the state register on the
32 thirty-first day of July, one thousand nine hundred
33 ninety-five, authorized under the authority of section
34 ten, article eleven-a, chapter nineteen, of this code,
35 modified by the commissioner of agriculture to meet the
36 objections of the legislative rule-making review commit-
37 tee and refiled in the state register on the twentieth day
38 of December, one thousand nine hundred ninety-five,
39 relating to the commissioner of agriculture (dairy
40 products and imitation dairy products, 61CSR4C), are
41 authorized.

42 (e) The legislative rules filed in the state register on the
43 thirty-first day of July, one thousand nine hundred

44 ninety-five, authorized under the authority of section
45 ten, article eleven-b, chapter nineteen of this code,
46 modified by the commissioner of agriculture to meet the
47 objections of the legislative rule-making review commit-
48 tee and refiled in the state register on the twentieth day
49 of December, one thousand nine hundred ninety-five,
50 relating to the commissioner of agriculture (frozen
51 desserts and imitation frozen desserts, 61CSR4B), are
52 authorized.

53 (f) The legislative rules filed in the state register on the
54 thirty-first day of July, one thousand nine hundred
55 ninety-five, authorized under the authority of section
56 four, article sixteen-a, chapter nineteen, of this code,
57 relating to the commissioner of agriculture (integrated
58 pest management programs in schools and day care
59 centers, 61CSR12J), are authorized, with the amend-
60 ments set forth below:

61 "On page one, section 1.1, by striking out the words
62 'These legislative rules establish' and inserting in lieu
63 thereof the words 'This legislative rule establishes';

64 On page two, section 2.5, after the words 'that creates'
65 by striking out the word 'to';

66 On page two, section 2.7, by striking out the words
67 'integrated pest management';

68 On page two, section 2.10, by striking out the word
69 'and' and inserting in lieu thereof the word 'an';

70 On page two, section 2.11, after the words 'bases or' by
71 inserting the word 'the';

72 On page three, section 3.2, by striking out the words
73 'Pesticides shall not be applied' and inserting in lieu
74 thereof the words 'Schools and daycare centers covered
75 by this rule shall not apply pesticides';

76 On page three, section 4.1, by striking out '1995';

77 On page three, section 4.1, by striking out the words 'or
78 the most recent revision';

79 On page three, section 4.3, after the words 'the school',
80 by striking out the word 'shall' and inserting in lieu
81 thereof the word 'should';

82 On page three, section 4.3, after the words 'success of'
83 by striking out the word 'and' and inserting in lieu
84 thereof the word 'an';

85 On page three, section 4.3, after the words 'This record'
86 by striking out the word 'shall' and inserting in lieu
87 thereof the word 'should';

88 On page three, section 4.3, by striking out the word
89 'every six months' and inserting in lieu thereof the word
90 'periodically';

91 On page three, section 4.3, by striking out the word
92 'so';

93 On page three, section 4.4, after the words 'created by'
94 by inserting the words 'West Virginia Code';

95 On page three, section 4.4, by striking out the words
96 'shall review and approve' and inserting in lieu thereof
97 the words 'may comment on';

98 On page three, section 4.5, by striking out the words
99 'The completed integrated pest management shall be
100 filed with the Commissioner for compliance inspection'
101 and inserting in lieu thereof the following: 'Schools
102 covered by this rule shall file completed integrated pest
103 management plans with the Commissioner for compli-
104 ance inspection';

105 On page three, section 4.5, after the words 'the pro-
106 gram,' by inserting the words 'they shall submit';

107 On page three, section 4.5, by striking out the words
108 'shall be submitted' and inserting in lieu thereof the
109 word 'to';

110 On page four, section 4.7, after the words 'Upon re-
111 quest' by inserting the words 'schools covered by this
112 rule shall provide';

113 On page four, section 4.7 by striking out the words
114 'shall be provided';

115 On page four, section 4.8, by striking out the words
116 'these rules' and inserting in lieu thereof the words 'this
117 rule';

118 On page four, section 5.1, by striking out '1995';

119 On page four, section 5.1, by striking out the words 'or
120 the most recent revision';

121 On page five, section 5.3, after the words 'day care
122 center' by striking out the word 'shall' and inserting in
123 lieu thereof the word 'should';

124 On page five, section 5.3, after the words 'success of',
125 by striking out the word 'and' and inserting in lieu
126 thereof the word 'an';

127 On page five, section 5.3, after the word 'this record' by
128 striking out the word 'shall' and inserting in lieu thereof
129 the word 'should';

130 On page five, section 5.3, by striking out the words
131 'every six months' and inserting in lieu thereof the word
132 'periodically';

133 On page five, section 5.3, by striking out the word 'so';

134 On page five, section 5.4, by striking out the words
135 'The completed integrated pest management plan shall
136 be filed with the Commissioner for compliance inspec-
137 tion' and inserting in lieu thereof the following: 'All day
138 care centers covered by this rule shall file completed
139 integrated pest management plans with the Commis-
140 sioner for compliance inspection.';

141 On page five, section 5.4, after the words, 'the pro-
142 gram,' by inserting the words 'they shall submit';

143 On page five, section 5.4, by striking out the words
144 'shall be submitted' and inserting in lieu thereof the
145 word 'to';

146 On page five, section 5.6, before the word, 'Copies,' by

147 inserting the words 'Day care centers covered by this
148 rule shall provide';

149 On page five, section 5.6, by striking out the words,
150 'shall be given to' and inserting in lieu thereof the words
151 'to a';

152 On page five, section 6.1.1, before the words 'The
153 monitoring program,' by adding the following: 'Each
154 school and day care center shall have a monitoring
155 program.';

156 On page six, section 6.1.1, before the words 'The
157 information' by adding the words 'Each school and day
158 care center shall evaluate'

159 On page six, section 6.1.1, by striking out the words
160 'shall be evaluated';

161 On page six, section 6.1.2, by striking out the words 'A
162 monitoring program shall be conducted in each facility
163 on an ongoing basis' and inserting in lieu thereof the
164 following: 'Each school and day care center shall conduct
165 a monitoring program in suspect areas of their facility on
166 an ongoing basis';

167 On page six, section 6.1.3.b.A, before the word 'Trap'
168 by adding the word 'The';

169 On page six, section 6.1.3.b.A, after the word 'and'; by
170 inserting the word 'its';

171 On page six, section 6.1.3.b.B, before the word 'Date'
172 by adding the word 'The';

173 On page six, section 6.1.3.b.C, by striking out the word
174 'Trap' and inserting in lieu thereof the words 'The trap's'

175 On page six, section 6.1.3.b.D, before the word 'Num-
176 bers' by inserting the word 'The'

177 On page six, section 6.1.3.b.F, after the words 'pest
178 management,' by adding a semicolon and the word 'and';

179 On page six, section 6.1.3.c., by striking out the words
180 'at least every two months or';

181 On page six, section 6.1.3.c, after the words 'tacky or
182 when' by inserting the word 'the';

183 On page six, section 6.1.3.c, after the word 'first' by
184 adding a semicolon and the word 'and';

185 On page seven, section 6.2, by striking out the comma
186 and the words 'Use of the Least Hazardous Materials',
187 and inserting in lieu thereof the words 'of this rule';

188 On page seven, after the section heading, by adding the
189 following:

190 'In an integrated pest management program, persons
191 responsible for pest management should evaluate all
192 possible control options. Control options range from
193 non-chemical methods to least hazardous pesticides to
194 pesticides with a higher degree of risk to human health.
195 In keeping with the legislative mandate for integrated
196 pest management, the pest control contractor shall, after
197 monitoring for pest infestations, proceed in controlling
198 pests using the least hazardous method that is both
199 practical and effective as outlined in this section.' and by
200 renumbering the remaining sections.

201 On page seven, section 7.1.1, by striking out the word
202 'shall' and inserting in lieu thereof the word 'should';

203 On page seven, section 7.1.1, before the word 'preven-
204 tive' by striking out the word 'Such' and inserting in lieu
205 thereof the word 'These';

206 On page seven, section 7.1.1, before the word 'Consult'
207 by adding the words 'A school or day care center shall';

208 On page seven, section 7.1.1, by striking out the words
209 '1995, or the most recent revision';

210 On page seven, section 7.1.1, by striking out the word
211 'IPM' and inserting in lieu thereof the words 'integrated
212 pest management';

213 On page seven, section 7.1.1, by striking out the words,
214 'Note that';

215 On page seven, section 7.2.1, after the word 'necessary'
216 by inserting the words, 'for a school or day care center';

217 On page seven, section 7.3.1, before the word, 'Prod-
218 ucts' by adding the words 'Schools and day care centers
219 shall apply';

220 On page seven, section 7.3.1, by striking out the words
221 'and applied';

222 On page eight, section 7.3.3, by striking out the word
223 'are' and inserting in lieu thereof the word 'shall';

224 On page eight, section 7.3.3, after the word 'out' and by
225 inserting the words 'of the treated area';

226 On page eight, section 7.4.3, after the word 'greater' by
227 adding the words 'except when the air in the treated area
228 can be purged by the heating, cooling and ventilation
229 system, the period of reentry shall be 4 hours or the
230 period specified on the label of the pesticide product as
231 registered by the United States Environmental Protec-
232 tion Agency, which ever is greater.';

233 On page eight, section 8.1.a, by striking out the comma
234 and the words 'Use of the Least Hazardous Materials';

235 On page eight, section 8.1.b, before the word 'School'
236 by adding the words 'At the beginning of the school
237 year,';

238 On page eight, section 8.1.b, at the end of the section
239 by adding the following: 'The notice shall instruct the
240 employee of the location of posting of the treatment
241 schedule and notification of any necessary unscheduled
242 treatments. School administrators shall also notify their
243 employees of the treatment schedule at faculty senate
244 meetings.';

245 On page two, section 8.2.a, by striking out the word 'in'
246 and inserting in lieu thereof the word 'is';

247 On page eight, section 8.2.a, after the words 'parents
248 or' by inserting the word 'legal';

249 On page eight, section 8.2.a, after the word 'pesticides'
250 by striking out the words 'in levels 3 and 4 as detailed in
251 section 4, Use of the Least Hazardous Materials, of this
252 rule.' and inserting in lieu thereof the words 'as detailed
253 in section 4 of this rule.';

254 On page nine, section 8.2.b, after the words 'parents or'
255 by inserting the word 'legal';

256 On page nine, section 8.2.b, after the words 'parent or'
257 by inserting the word 'legal';

258 On page nine, section 8.2.c, after the words 'parent or'
259 by inserting in the word 'legal';

260 On page nine, section 8.2.c, by striking out the word
261 'such';

262 On page nine, section 8.3.a, after the words 'parent or'
263 by adding the word 'legal';

264 On page nine, section 8.3.a, after the word 'pesticide'
265 by striking out the words 'in levels 3 and 4 as detailed in
266 section 4, Use of the Least Hazardous Materials, of this
267 rule.' and inserting in lieu thereof the words 'as detailed
268 in section 4 of this rule';

269 On page nine, section 8.3.b, after the words 'to the
270 parent or' by inserting the word 'legal';

271 On page nine, section 8.3.b, by striking out the word
272 'Such' and inserting in lieu the word 'The';

273 On page nine, section 8.3.b, after the words 'where the
274 parent or' by inserting the word 'legal';

275 On page nine, section 9.1, after the word 'pesticide
276 applicators' by striking out the comma and inserting in
277 lieu thereof a period.;

278 On page nine, section 9.1, by striking out the words
279 'Except that';

280 On page nine, section 9.4, after the words 'pesticide
281 applicators', by inserting a comma and striking out the
282 word 'or';

283 On page nine, section 9.4, by striking out the words
284 'certified in General Pest Control';

285 On page nine, section 9.4, after the words 'outlined in'
286 by striking out the words 'Title 61 Series 12A, Certified
287 Pesticide Applicator Rules' and inserting in lieu thereof
288 the words 'West Virginia Department of Agriculture
289 Certified Pesticide Applicator Rules, 61 CSR 12A';

290 On page ten, section 9.5.1, before the word 'specialized'
291 by striking out the word 'The' and inserting in lieu
292 thereof the word 'Any';

293 On page ten, section 9.5.1, by striking out the word
294 'program' and inserting in lieu thereof the words 'pro-
295 grams not offered by the commissioner';

296 On page ten, section 9.5.2, by striking out the words,
297 'Title 61 Series 12A' and inserting in lieu thereof the
298 words '61 CSR 12A';

299 On page ten, section 9.5.2, by striking out the word
300 'July' and inserting in lieu thereof the word 'September';

301 On page ten, section 9.5.3, by striking out the word
302 'July' and inserting in lieu thereof the word 'September';

303 On page ten, section 9.5.3, by striking out the words
304 'Title 61 Series 12A' and inserting in lieu thereof the
305 words '61 CSR 12A';

306 On page ten by striking out all of section 10.1, and
307 inserting in lieu thereof the following:

308 '10.1 Schools and day care centers covered by this rule
309 shall keep for a period of two years all documents
310 required to be in the Integrated Pest Management Files
311 as detailed in Section 4.6 and Section 5.5, respectively,
312 of this rule.';

313 On page ten, by striking out all of section 11.1 and
314 renumbering the remaining sections;

315 On page ten, section 11.2, by striking out '1995';

316 And,

317 On page eleven, section 11.5, by striking out the words
318 'these rules' and inserting in lieu thereof the words 'this
319 rule'."

§64-9-2. Secretary of state.

1 (a) The legislative rules filed in the state register on the
2 twelfth day of January, one thousand nine hundred
3 ninety-five, authorized under the authority of section
4 thirteen, article two, chapter three of this code, modified
5 by the secretary of state to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the twenty-second day of June, one
8 thousand nine hundred ninety-five, relating to the
9 secretary of state (agencies designated to provide voter
10 registration services, 153CSR28), are authorized.

11 (b) The legislative rules filed in the state register on the
12 twenty-fifth day of July, one thousand nine hundred
13 ninety-five, authorized under the authority of section
14 six, article one-a, chapter three of this code, modified by
15 the secretary of state to meet the objections of the
16 legislative rule-making review committee and refiled in
17 the state register on the twenty-third day of January, one
18 thousand nine hundred ninety-six, relating to the
19 secretary of state (guidelines for the use of nicknames
20 and other designations on the ballot, 153CSR14), are
21 authorized.

22 (c) The legislative rules filed in the state register on the
23 twenty-eighth day of July, one thousand nine hundred
24 ninety-five, authorized under the authority of section
25 six, article one-a, chapter three of this code, modified by
26 the secretary of state to meet the objections of the
27 legislative rule-making review committee and refiled in
28 the state register on the eighth day of December, one
29 thousand nine hundred ninety-five, relating to the
30 secretary of state (procedures for canvassing electronic
31 ballot elections using punch card or optical scan ballots,
32 153CSR18), are authorized.

33 (d) The legislative rules filed in the state register on the

34 twenty-fifth day of July, one thousand nine hundred
35 ninety-five, authorized under the authority of section
36 six, article one-a, chapter three of this code, modified by
37 the secretary of state to meet the objections of the
38 legislative rule-making review committee and refiled in
39 the state register on the twenty-fourth day of January,
40 one thousand nine hundred ninety-six, relating to the
41 secretary of state (absentee voting by military voters who
42 are members of reserve units called to active duty,
43 153CSR23), are authorized.

44 (e) The legislative rules filed in the state register on the
45 twenty-sixth day of July, one thousand nine hundred
46 ninety-five, authorized under the authority of section
47 six, article one-a, chapter three of this code, modified by
48 the secretary of state to meet the objections of the
49 legislative rule-making review committee and refiled in
50 the state register on the twenty-fourth day of January,
51 one thousand nine hundred ninety-six, relating to the
52 secretary of state (numbered divisions for the election of
53 circuit judges, 153CSR24), are authorized.

54 (f) The legislative rules filed in the state register on the
55 twenty-sixth day of July, one thousand nine hundred
56 ninety-five, authorized under the authority of section
57 three, article two, chapter three of this code, relating to
58 the secretary of state (combined voter registration and
59 driver licensing fund, 153CSR 25), are authorized.

60 (g) The legislative rules filed in the state register on the
61 twenty-sixth day of July, one thousand nine hundred
62 ninety-five, authorized under the authority of section
63 six, article one-a, chapter three of this code, relating to
64 the secretary of state (official election forms and vendor
65 authorization, 153CSR26), are authorized.

66 (h) The legislative rules filed in the state register on the
67 twenty-sixth day of July, one thousand nine hundred
68 ninety-five, authorized under the authority of section
69 six, article one-a, chapter three of this code, modified by
70 the secretary of state to meet the objections of the
71 legislative rule-making review committee and refiled in

72 the state register on the twenty-fourth day of January,
73 one thousand nine hundred ninety-six, relating to the
74 secretary of state (procedures for handling ballots and
75 counting write-in votes in counties using punch card or
76 optical scan ballots, 153CSR27), are authorized.

77 (i) The legislative rules filed in the state register on the
78 twenty-seventh day of July, one thousand nine hundred
79 ninety-five, authorized under the authority of section
80 six, article two, chapter twenty-nine-a of this code,
81 modified by the secretary of state to meet the objections
82 of the legislative rule-making review committee and
83 refiled in the state register on the twenty-second day of
84 January, one thousand nine hundred ninety-six, relating
85 to the secretary of state (standard size and format for
86 rules and procedures for publication of the state register,
87 153CSR6), are authorized, with the amendments set
88 forth below:

89 On page ten, subsection 13.1., after the word 'format'
90 by inserting a comma and the words 'following all
91 formatting rules of the Secretary of State,';

92 "On page ten, paragraph 13.1.b., by striking out the
93 word 'double' and inserting in lieu thereof the word
94 'high';

95 On page ten, after subparagraph 13.1.b.2., by adding a
96 new subsection to read as follows:

97 '13.2. If an agency does not comply with the formatting
98 as specified by the Secretary of State, the electronic
99 version will be refused and sent back for correction to
100 the agency'."

**§64-9-3. Governor's committee on crime, delinquency and
correction.**

1 (a) The legislative rules filed in the state register on the
2 twenty-eighth day of July, one thousand nine hundred
3 ninety-five, under the authority of section three, article
4 twenty-nine, chapter thirty of this code, modified by the
5 governor's committee on crime, delinquency and correc-

6 tion to meet the objections of the legislative rule-making
7 review committee and refiled in the state register on the
8 nineteenth day of December, one thousand nine hundred
9 ninety-five, relating to the governor's committee on
10 crime, delinquency and correction (basic training
11 academy, annual in-service and biennial in-service
12 training standards, 149CSR2), are authorized.

§64-9-4. State election commission.

1 (a) The legislative rules filed in the state register on the
2 thirty-first day of July, one thousand nine hundred
3 ninety-five, under the authority of section five, article
4 one-a, chapter three of this code, modified by the state
5 election commission to meet the objections of the legisla-
6 tive rule-making review committee and refiled in the
7 state register on the twenty-second day of December, one
8 thousand nine hundred ninety-five, relating to the state
9 election commission (election expenditures, 146CSR4),
10 are authorized.

11 (b) The legislative rules filed in the state register on the
12 thirty-first day of July, one thousand nine hundred
13 ninety-five, under the authority of section five, article
14 one-a, chapter three of this code, modified by the state
15 election commission to meet the objections of the legisla-
16 tive rule-making review committee and refiled in the
17 state register on the twenty-third day of January, one
18 thousand nine hundred ninety-six, relating to the state
19 election commission (regulation of campaign finances,
20 146CSR3), are authorized, with the amendments set
21 forth below:

22 "On page seventeen, section 12.2, by striking out
23 section 12.1 in its entirety, and inserting in lieu thereof
24 the following:

25 '12.1 Any person violating this rule is subject to the
26 penalties imposed by W. Va. Code §§3-8-7, 3-8-11 and 3-
27 9-23'."

28 (c) The legislative rules filed in the state register on the
29 thirty-first day of July, one thousand nine hundred
30 ninety-five, under the authority of section five, article
31 one-a, chapter three of this code, modified by the state
32 election commission to meet the objections of the legisla-
33 tive rule-making review committee and refiled in the
34 state register on the twenty-second day of December, one
35 thousand nine hundred ninety-five, relating to the state
36 election commission (fair campaign practices, 146CSR2),
37 are authorized.

38 (d) The legislative rules filed in the state register on the
39 thirty-first day of July, one thousand nine hundred
40 ninety-five, under the authority of section eight, article
41 eight, chapter three of this code, modified by the state
42 election commission to meet the objections of the legisla-
43 tive rule-making review committee and refiled in the
44 state register on the twenty-second day of December, one
45 thousand nine hundred ninety-five, relating to the state
46 election commission (corporate political activity,
47 146CSR1), are authorized, with the amendments set
48 forth below:

49 "On page 8, section 146-1-7. penalty provisions, by
50 striking out section 7.1 and inserting in lieu thereof the
51 following:

52 '7.1 Any person violating this rule shall be guilty of a
53 misdemeanor, and, upon conviction thereof, shall be
54 fined not more than five thousand dollars pursuant to
55 West Virginia Code §3-8-8'."

§64-9-5. Cable television advisory board.

1 (a) The legislative rules filed in the state register on the
2 eighteenth day of July, one thousand nine hundred
3 ninety-five, under the authority of section twenty-six,
4 article eighteen, chapter five of this code, modified by
5 the cable television advisory board to meet the objec-
6 tions of the legislative rule-making review committee

7 and refiled in the state register on the nineteenth day of
8 September, one thousand nine hundred ninety-five,
9 relating to the cable television advisory board (calcula-
10 tion and collection of late fees, 187CSR6), are autho-
11 rized.

§64-9-6. Contractor licensing board.

1 (a) The legislative rules filed in the state register on the
2 twenty-eighth day of July, one thousand nine hundred
3 ninety-five, under the authority of section five, article
4 eleven, chapter twenty-one of this code, modified by the
5 contractor licensing board to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the fourth day of December, one
8 thousand nine hundred ninety-five, relating to the
9 contractor licensing board (West Virginia contractor
10 licensing act, 28CSR2), are authorized.

§64-9-7. Infrastructure and jobs development counsel.

1 (a) The legislative rules filed in the state register on the
2 seventh day of July, one thousand nine hundred ninety-
3 five, under the authority of section four, article fifteen-a,
4 chapter thirty-one of this code, modified by the infra-
5 structure and jobs development council to meet the
6 objections of the legislative rule-making review commit-
7 tee and refiled in the state register on the sixth day of
8 December, one thousand nine hundred ninety-five,
9 relating to the infrastructure and jobs development
10 council (infrastructure and jobs development council
11 funding rules, 167CSR1), are authorized, with the
12 amendments set forth below:

13 "On page ten, section five, subsection 5.7, by striking
14 out '1 1/2%' and inserting in lieu thereof '1%';

15 And,

16 On page eleven, section five, subsection 5.9, by striking
17 out all of subsection 5.9 and inserting in lieu thereof the

18 following: "Terms of Grant. Where a project sponsor has
19 received infrastructure grant money to fund a project
20 and the project is thereafter sold, then to the extent that
21 proceeds are available, the project sponsor shall reim-
22 burse the infrastructure fund the amount of the infra-
23 structure grant. In the alternative, the council may
24 allow repayment of the grant by converting the grant
25 into a loan from the infrastructure fund. The proceeds
26 from the repayment of any such grant or grant which has
27 been converted to a loan shall retain their character as
28 proceeds available for grants. The amount of repayment
29 may be reduced by the applicable share of accumulated
30 depreciation of the project or the applicable share of
31 accumulated accelerated depreciation of the project as
32 determined by the council. The infrastructure council
33 shall review any agreement between the project sponsor
34 and the person or entity purchasing the project to
35 determine whether the agreement was structured so that
36 no proceeds would become available for the repayment
37 of the grant funds. If the infrastructure council finds
38 that the transaction was structured by the parties to
39 intentionally preclude the availability of proceeds for the
40 repayment of the infrastructure grant funds, then the
41 council may require the project sponsor to repay the full
42 amount of any infrastructure grant. The Council shall
43 prepare a report listing those projects which received
44 infrastructure grant money and are sold. The report
45 shall include a description of the terms by which the
46 infrastructure grant will be repaid. The report shall be
47 provided on or before the tenth day of January each year
48 to the Joint Committee on Government and Finance."

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Handwritten signature of Howard Schoorover

Chairman Senate Committee

Handwritten signature of Rudy Deaunt

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Handwritten signature of David B. Thomas

Clerk of the Senate

Handwritten signature of Gregory D. King
Clerk of the House of Delegates

Handwritten signature of Earl Ray Tomblin
President of the Senate

Handwritten signature of Paul C. Baker
Speaker House of Delegates

The within *is approved* this the *25th*
day of *March*, 1996.

Handwritten signature of Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/96

Time 3:55pm