WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED
Committee Substitute for
SENATE BILL NO. 162

(By Senator Ross, et al.)

PASSED March 9, 1996
In Effect Ninety Days from Passage
ENROLLED

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-
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 twenty-seventh day of July, one thousand nine hundred ninety-five, authorized under the authority of section three, article two-b, chapter nineteen of this code, modified by the commissioner of agriculture to meet the
enr. com. sub. for s. b. no. 162

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

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

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

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

(e) The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred
ninety-five, authorized under the authority of section ten, article eleven-b, chapter nineteen of this code, modified by the commissioner of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of December, one thousand nine hundred ninety-five, relating to the commissioner of agriculture (frozen desserts and imitation frozen desserts, 61CSR4B), are authorized.

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

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

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

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

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

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

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

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

On page three, section 4.1, by striking out the words 'or the most recent revision';
On page three, section 4.3, after the words 'the school', by striking out the word 'shall' and inserting in lieu thereof the word 'should';

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

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

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

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

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

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

On page three, section 4.5, by striking out the words 'The completed integrated pest management shall be filed with the Commissioner for compliance inspection' and inserting in lieu thereof the following: 'Schools covered by this rule shall file completed integrated pest management plans with the Commissioner for compliance inspection';

On page three, section 4.5, after the words 'the program,' by inserting the words 'they shall submit';

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

On page four, section 4.7, after the words 'Upon request' by inserting the words 'schools covered by this rule shall provide';
On page four, section 4.7 by striking out the words 'shall be provided';

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

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

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

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

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

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

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

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

On page five, section 5.4, by striking out the words 'The completed integrated pest management plan shall be filed with the Commissioner for compliance inspection' and inserting in lieu thereof the following: 'All day care centers covered by this rule shall file completed integrated pest management plans with the Commissioner for compliance inspection.';

On page five, section 5.4, after the words, 'the program,' by inserting the words 'they shall submit';

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

On page five, section 5.6, before the word, 'Copies,' by
inserting the words 'Day care centers covered by this rule shall provide';

On page five, section 5.6, by striking out the words, ‘shall be given to’ and inserting in lieu thereof the words ‘to a’;

On page five, section 6.1.1, before the words ‘The monitoring program,’ by adding the following: ‘Each school and day care center shall have a monitoring program.’;

On page six, section 6.1.1, before the words ‘The information’ by adding the words ‘Each school and day care center shall evaluate’

On page six, section 6.1.1, by striking out the words ‘shall be evaluated’;

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

On page six, section 6.1.3.b.A, before the word ‘Trap’ by adding the word ‘The’;

On page six, section 6.1.3.b.A, after the word ‘and’; by inserting the word ‘its’;

On page six, section 6.1.3.b.B, before the word ‘Date’ by adding the word ‘The’;

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

On page six, section 6.1.3.b.D, before the word ‘Numbers’ by inserting the word ‘The’

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

On page six, section 6.1.3.c., by striking out the words ‘at least every two months or’;
On page six, section 6.1.3.c, after the words 'tacky or when' by inserting the word 'the';

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

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

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

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

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

On page seven, section 7.1.1, before the word 'preventive' by striking out the word 'Such' and inserting in lieu thereof the word 'These';

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

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

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

On page seven, section 7.1.1, by striking out the words, 'Note that';
On page seven, section 7.2.1, after the word 'necessary' by inserting the words, 'for a school or day care center';

On page seven, section 7.3.1, before the word, 'Products' by adding the words 'Schools and day care centers shall apply';

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

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

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

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

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

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

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

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

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

On page nine, section 8.2.b, after the words 'parents or' by inserting the word 'legal';
On page nine, section 8.2.b, after the words 'parent or' by inserting the word 'legal';
On page nine, section 8.2.c, after the words 'parent or' by inserting in the word 'legal';
On page nine, section 8.2.c, by striking out the word 'such';
On page nine, section 8.3.a, after the words 'parent or' by adding the word 'legal';
On page nine, section 8.3.a, after the word 'pesticide' by striking out the words 'in levels 3 and 4 as detailed in section 4, Use of the Least Hazardous Materials, of this rule.' and inserting in lieu thereof the words 'as detailed in section 4 of this rule';
On page nine, section 8.3.b, after the words 'to the parent or' by inserting the word 'legal';
On page nine, section 8.3.b, by striking out the word 'Such' and inserting in lieu the word 'The';
On page nine, section 8.3.b, after the words 'where the parent or' by inserting the word 'legal';
On page nine, section 9.1, after the word 'pesticide applicators' by striking out the comma and inserting in lieu thereof a period;
On page nine, section 9.1, by striking out the words 'Except that';
On page nine, section 9.4, after the words 'pesticide applicators', by inserting a comma and striking out the word 'or';
On page nine, section 9.4, by striking out the words 'certified in General Pest Control';

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

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

On page ten, section 9.5.1, by striking out the word 'program' and inserting in lieu thereof the words 'programs not offered by the commissioner';

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

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

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

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

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

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

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

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

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

§64-9-2. Secretary of state.

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

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

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

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

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

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

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

(h) The legislative rules filed in the state register on the twenty-sixth day of July, one thousand nine hundred ninety-five, authorized under the authority of section six, article one-a, chapter three of this code, modified by the secretary of state to meet the objections of the legislative rule-making review committee and refiled in
the state register on the twenty-fourth day of January, one thousand nine hundred ninety-six, relating to the secretary of state (procedures for handling ballots and counting write-in votes in counties using punch card or optical scan ballots, 153CSR27), are authorized.

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

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

“On page ten, paragraph 13.1.b., by striking out the word ‘double’ and inserting in lieu thereof the word ‘high’;

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

‘13.2. If an agency does not comply with the formatting as specified by the Secretary of State, the electronic version will be refused and sent back for correction to the agency’.”

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

(a) The legislative rules filed in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-five, under the authority of section three, article twenty-nine, chapter thirty of this code, modified by the governor's committee on crime, delinquency and correc-
tion to meet the objections of the legislative rule-making review committee and refiled in the state register on the nineteenth day of December, one thousand nine hundred ninety-five, relating to the governor's committee on crime, delinquency and correction (basic training academy, annual in-service and biennial in-service training standards, 149CSR2), are authorized.


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

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

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

'12.1 Any person violating this rule is subject to the penalties imposed by W. Va. Code §§3-8-7, 3-8-11 and 3-9-23'."
(c) The legislative rules filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-five, under the authority of section five, article one-a, chapter three of this code, modified by the state election commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of December, one thousand nine hundred ninety-five, relating to the state election commission (fair campaign practices, 146CSR2), are authorized.

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

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

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

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

(a) The legislative rules filed in the state register on the eighteenth day of July, one thousand nine hundred ninety-five, under the authority of section twenty-six, article eighteen, chapter five of this code, modified by the cable television advisory board to meet the objections of the legislative rule-making review committee
and refiled in the state register on the nineteenth day of September, one thousand nine hundred ninety-five, relating to the cable television advisory board (calculation and collection of late fees, 187CSR6), are authorized.

§64-9-6. Contractor licensing board.

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


(a) The legislative rules filed in the state register on the seventh day of July, one thousand nine hundred ninety-five, under the authority of section four, article fifteen-a, chapter thirty-one of this code, modified by the infrastructure and jobs development council to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixth day of December, one thousand nine hundred ninety-five, relating to the infrastructure and jobs development council (infrastructure and jobs development council funding rules, 167CSR1), are authorized, with the amendments set forth below:

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

And, On page eleven, section five, subsection 5.9, by striking out all of subsection 5.9 and inserting in lieu thereof the
Terms of Grant. Where a project sponsor has received infrastructure grant money to fund a project and the project is thereafter sold, then to the extent that proceeds are available, the project sponsor shall reimburse the infrastructure fund the amount of the infrastructure grant. In the alternative, the council may allow repayment of the grant by converting the grant into a loan from the infrastructure fund. The proceeds from the repayment of any such grant or grant which has been converted to a loan shall retain their character as proceeds available for grants. The amount of repayment may be reduced by the applicable share of accumulated depreciation of the project or the applicable share of accumulated accelerated depreciation of the project as determined by the council. The infrastructure council shall review any agreement between the project sponsor and the person or entity purchasing the project to determine whether the agreement was structured so that no proceeds would become available for the repayment of the grant funds. If the infrastructure council finds that the transaction was structured by the parties to intentionally preclude the availability of proceeds for the repayment of the infrastructure grant funds, then the council may require the project sponsor to repay the full amount of any infrastructure grant. The Council shall prepare a report listing those projects which received infrastructure grant money and are sold. The report shall include a description of the terms by which the infrastructure grant will be repaid. The report shall be provided on or before the tenth day of January each year to the Joint Committee on Government and Finance."
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor