WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED
COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 192

(By Senator Ross ET AL.)

PASSED APRIL 10, 1997
In Effect Pasage
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COMMITTEE SUBSTITUTE FOR

Senate Bill No. 192

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

[Passed April 10, 1997; in effect from passage.]

AN ACT to amend and reenact sections one and two, article ten, 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 division of natural resources to promulgate a legislative rule relating to fertility control of free roaming wildlife; authorizing the division of natural resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the division of natural resources to promulgate a legislative rule relating to falconry; and authorizing the manufactured housing construction and safety standards board to promulgate a legislative rule relating to the board.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article ten, 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 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Division of natural resources.

(a) The legislative rule filed in the state register on the sixteenth day of August, one thousand nine hundred ninety-six, authorized under the authority of section five-d, article two, chapter twenty of this code, modified by the division of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of September, one thousand nine hundred ninety-six, relating to the division of natural resources (fertility control of free roaming wildlife, 58 CSR 66), is authorized.

(b) The legislative rule filed in the state register on the sixteenth day of August, one thousand nine hundred ninety-six, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the division of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of September, one thousand nine hundred ninety-six, relating to the
division of natural resources (prohibitions when hunting
and trapping, 58 CSR 47), is authorized.

(c) The legislative rule filed in the state register on the
sixteenth day of August, one thousand nine hundred
ninety-six, authorized under the authority of section
seven, article one, chapter twenty of this code, modified by
the division of natural resources to meet the objections of
the legislative rule-making review committee and refiled
in the state register on the twenty-seventh day of Septem-
ber, one thousand nine hundred ninety-six, relating to the
division of natural resources (falconry, 58 CSR 65), is
authorized.

§64-10-2. Manufactured housing construction and safety stan-
dards board.

The legislative rule filed in the state register on the
fourteenth day of August, one thousand nine hundred
ninety-six, authorized under the authority of section four,
article nine, chapter twenty-one of this code, modified by
the manufactured housing construction and safety stan-
dards board to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the eleventh day of February, one thousand
nine hundred ninety-seven, relating to the manufactured
housing construction and safety standards board (manu-
factured housing construction and safety standards board,
42 CSR 19), is authorized, with the following amendments:

“On page two, section three, line fourteen, after the
word ‘authorized’ by striking out the period and adding
the following:

‘with the amendments set forth below:

On page 20, subsection 10B.5, line two, after the word
‘preparation’ by inserting the words ‘that cannot be
performed after the home is leveled as described in the
initial home placement evaluation form in 10B.4’;

On page 20, subsection 10B.5, line two, by striking out
the word ‘and’ and by inserting in lieu thereof the word
‘or’;
On page 21, subsection 10B.6(b), line three, by striking out the word 'the' and inserting in lieu thereof the word 'all';

On page 21, subsection 10B.6(b), line three, after the word 'installation', by inserting the words 'as set forth in subsection 3.21 of this rule'.

On page 24, subsection 13.1, line three, after the word 'standards', by striking out the word 'or' and inserting in lieu thereof a comma;

On page 24, subsection 13.1, line three, after the word licensees, by inserting a comma, and the words 'including, but not limited to, warranty claims, matters concerning the installation of the home and all matters covered by this rule';

On page 24, subsection 13.2, line four, after the word 'complaints' by adding the words 'Any Licensee may file a complaint with the Board';

On page 24, subsection 13.4, line six, by striking the word 'may', and inserting in lieu thereof the word 'must';

On page 24, subsection 13.4, after the word distributor, by striking the word 'or' and inserting in lieu thereof a comma;

On page 24, subsection 13.4, line eight, after the word 'contractor', by adding the words 'or installer';

On page 24, subsection 13.6, line two, by striking out the words 'federal or state manufactured housing standard' and inserting in lieu thereof the words 'matter within the Board's jurisdiction as defined by this Rule';

On page 25, subsection 13.6, line one, by striking out the words 'the Board's licensee it determines responsible', and inserting in lieu thereof the words 'any and all responsible licensees';

On page 25, subsection 13.6, line three, after the word 'violated' by adding the words 'If no standard has been violated it shall be so noted in writing to all parties involved';
60  On page 25, subsection 13.6, line four, by striking the
61  word 'the' and inserting in lieu thereof the word 'a';
62  And, on page 25, subsection 13.6, line five, after the
63  word 'thirty' by striking out the word 'days' and inserting
64  in lieu thereof the following: 'calendar days from receipt
65  of notice'.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

Nick Fantasia
Chairman House Committee

Originated in the Senate.
In effect from passage

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the day of April, 1997.

[Signature]
Governor