

SB 305

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

Committee Substitute For
SENATE BILL NO. 305

(By Senator Ross, et al)



PASSED March 12, 1998
In Effect From Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 305

(BY SENATORS ROSS, ANDERSON, BOWMAN,
MACNAUGHTAN, BOLEY AND BUCKALEW)

[Passed March 12, 1998; in effect from passage.]

AN ACT to amend and reenact section one, article five, 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 health to promulgate a legislative rule relating to asbestos abatement licensing; authorizing division of health to promulgate legislative rules relating to fund for breast and cervical cancer; authorizing division of health to promulgate legislative rules relating to certain clinical laboratory licensure; authorizing division of health to promulgate legislative rules relating to drinking water treatment revolving fund; and authorizing division of health to promulgate legislative rules relating to sewage systems.

Be it enacted by the Legislature of West Virginia:

That section one, article five, 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 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. State board of health; division of health.

1 (a) The legislative rule filed in the state register on the
2 eighteenth day of November, one thousand nine hundred
3 ninety-six, authorized under the authority of section
4 three, article thirty-two, chapter sixteen of this code,
5 modified by the division of health to meet the objections
6 of the legislative rule-making review committee and
7 refiled in the state register on the sixteenth day of Decem-
8 ber, one thousand nine hundred ninety-seven, relating to
9 the division of health (asbestos abatement licensing, 64
10 CSR 63), is authorized.

11 (b) The legislative rule filed in the state register on the
12 first day of August, one thousand nine hundred
13 ninety-seven, authorized under the authority of section
14 eight, article thirty-three, chapter sixteen of this code,
15 modified by the division of health to meet the objections
16 of the legislative rule-making review committee and
17 refiled in the state register on the sixteenth day of Decem-
18 ber, one thousand nine hundred ninety-seven, relating to

19 the division of health (breast and cervical cancer diagnos-
20 tic and treatment fund, 64 CSR 69), is authorized.

21 (c) The legislative rule filed in the state register on the
22 first day of August, one thousand nine hundred ninety-
23 seven, under the authority of section ten, article five-j,
24 chapter sixteen of this code, modified by the director of
25 the division of health to meet the objections of the legisla-
26 tive rule-making review committee and refiled in the state
27 register on the twenty-third day of January, one thousand
28 nine hundred ninety-eight, relating to the division of
29 health (clinical laboratory technician and technologist
30 licensure and certification, 64 CSR 57), is authorized.

31 (d) The legislative rule filed in the state register on the
32 twenty-second day of December, one thousand nine
33 hundred ninety-seven, authorized under the authority of
34 section two, article thirteen-c, chapter sixteen of this code,
35 relating to the division of health (drinking water treat-
36 ment revolving fund, 64 CSR 49), is authorized.

37 (e) The legislative rule filed in the state register on the
38 fourth day of June, one thousand nine hundred
39 ninety-seven, authorized under the authority of section
40 seven, article one, chapter sixteen of this code, modified
41 by the division of health to meet the objections of the
42 legislative rule-making review committee and refiled in
43 the state register on the sixteenth day of December, one
44 thousand nine hundred ninety-seven, relating to the
45 division of health (sewage systems, 64 CSR 9), is autho-
46 rized with the following amendment:

47 On page 7, subsection 5.1. following the sentence which
48 ends "local health department offices." by inserting the
49 following: "Provided, that the director shall issue a permit
50 for the installation of a National Sanitation Foundation
51 Class I home aeration unit to be installed on a single
52 family dwelling unit when no other approved system can
53 be installed."

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

Randy Schoover
.....
Chairman Senate Committee.

Neil Fantasia
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll Phillips
.....
Clerk of the Senate

Bryan M. Sawyer
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Frank
.....
Speaker House of Delegates

The within *approved* this the *21st*
day of *March*, 1988.

Joe Henderson
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/98

Time 2:20 pm