WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

ENROLLED

Committee Substitute for

SENATE BILL NO. 305

(By Senator Popp, et al)

PASSED March 12, 1998

In Effect From Passage
ENROLLED

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 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.

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

(b) The legislative rule filed in the state register on the first day of August, one thousand nine hundred ninety-seven, authorized under the authority of section eight, article thirty-three, chapter sixteen of this code, modified by the division of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixteenth day of December, one thousand nine hundred ninety-seven, relating to
the division of health (breast and cervical cancer diagnostic and treatment fund, 64 CSR 69), is authorized.

(c) The legislative rule filed in the state register on the first day of August, one thousand nine hundred ninety-seven, under the authority of section ten, article five-j, chapter sixteen of this code, modified by the director of the division of health 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-eight, relating to the division of health (clinical laboratory technician and technologist licensure and certification, 64 CSR 57), is authorized.

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

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

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

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 21st day of March, 1958.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/18/98
Time 2:30 pm