WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4709

(By Delegates Tucker, Kuhn, Varner, Stemple, Staton, Yost and G. White)

Passed March 13, 2004

In Effect Ninety Days from Passage
AN ACT to amend and reenact §47-1-20 of the code of West Virginia, 1931, as amended, relating to allowing the commissioner of labor to charge fees for laboratory services and calibrations by rule; establishing a special revenue account to be used by the division of labor for the enforcement of weights and measures statutes.

Be it enacted by the Legislature of West Virginia:

That §47-1-20 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. WEIGHTS AND MEASURES.

§47-1-20. State measurement laboratory.

1 The commissioner shall operate and maintain a state measurement laboratory certified and approved by the national institute of standards and technology. The laboratory shall be used to both house and maintain the state primary standards and
secondary standards as traceable to the national standards and
to test or calibrate any secondary or working standards which
are submitted for test as required by this article.

The commissioner shall promulgate rules, pursuant to
chapter twenty-nine-a of this code to assess fees for weights and
measures laboratory calibration and testing. All fees collected
by the commissioner under the provisions of this section shall
be deposited into a special revenue account in the state treasury
to be known as the “Weights and Measures Fund.” The moneys
in the fund shall be used by the commissioner solely for the
enforcement of this article. The commissioner is hereby
authorized to allocate moneys from the weights and measures
fund to enforce the provisions of this article without legislative
appropriation of moneys from the fund until the last day of
June, two thousand six. Effective the first day of July, two
thousand six, no moneys may be expended from the fund except
by legislative appropriation.

The commissioner shall provide such personnel as required
to operate the laboratory in a manner which is consistent with
the needs of this article. Personnel shall be trained and certified
to perform all such calibrations and tests as required by the
national institute of standards and technology to maintain
traceability of the state standards to national standards, and to
properly maintain the laboratory facility as certified and
traceable to the national institute of standards and technology.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ___ day of April, 2004.

Governor