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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2718

(By Delegates Mahan, Palumbo,
Cann, Pino, Armstead and Overington)



9
Passed April 8, 2005

In Effect from Passage

FILED

2005 MAY -4 A 11: 08

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SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2718

(BY DELEGATES MAHAN, PALUMBO,
CANN, PINO, ARMSTEAD AND OVERINGTON)

d.
p. n. s.

9
[Passed April 8, 2005; in effect from passage.]

AN ACT to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended; all 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 or 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 certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recom-

mended by the legislative rule-making review committee and as amended by the legislature; authorizing the Economic Development Authority to promulgate a legislative rule relating to the high-growth business investment tax credit; authorizing the Bureau of Employment Programs to promulgate a legislative rule relating to implementing the requirement that prohibits agencies from granting, issuing or renewing contracts, licenses, permits, certificates or other authority to conduct a trade, profession or business; authorizing the Division of Labor to promulgate a legislative rule relating to the Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to weights and measures calibration fees; authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Manufactured Housing Construction and Safety Standards Board; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to the revocation of hunting and fishing licenses.

Be it enacted by the Legislature of West Virginia:

That article 10, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Economic development authority.

1 The legislative rule filed in the state register on the twenty-
2 fourth day of August, two thousand four, under the authority of
3 section nine, article thirteen-u, chapter eleven, of this code,
4 modified by the Economic Development Authority to meet the
5 objections of the Legislative Rule-Making Review Committee

6 and refiled in the state register on the first day of February, two
7 thousand five, relating to the Economic Development Authority
8 (high-growth business investment tax credit, 117 CSR 5), is
9 authorized, with the following amendments:

10 On page three, section three, line 4, by striking all of
11 sections 3.2.b., 3.2.c. and 3.2.c.1 and inserting in lieu thereof
12 the following:

13 “3.2.b. The Authority may not allocate more than fifty
14 thousand dollars of this tax credit to an eligible taxpayer in a
15 fiscal year.

16 3.2.c. Any unused portion of the tax credit may be carried
17 forward to succeeding taxable years until the expiration of the
18 fourth taxable year after the taxable year in which the invest-
19 ment was made. The tax credit remaining thereafter is for-
20 feited.”;

21 and

22 On page three, section three, line 18, following the word
23 “The” by striking the word “Statute” and inserting in lieu
24 thereof the word “tax credit”.

§64-10-2. Bureau of Employment Programs.

1 The legislative rule filed in the state register on the nine-
2 tenth day of March, two thousand four, under the authority of
3 section six, article two, chapter twenty-one-a, of this code,
4 modified by the Bureau of Employment Programs to meet the
5 objections of the Legislative Rule-Making Review Committee
6 and refiled in the state register on the seventeenth day of June,
7 two thousand four, relating to the Bureau of Employment
8 Programs (implementing the requirement that prohibits
9 agencies from granting, issuing or renewing contracts, licenses,
10 permits, certificates or other authority to conduct a trade,

11 profession or business, 96 CSR 1), is authorized, with the
12 following amendment:

13 On page five, section five, line 1, following the word “The”
14 by striking the word “authorizing” and inserting the word
15 “approval”.

§64-10-3. Division of labor.

1 (a) The legislative rule filed in the state register on the
2 twelfth day of August, two thousand four, under the authority
3 of section eleven, article three-c, chapter twenty-one, of this
4 code, modified by the Division of Labor to meet the objections
5 of the Legislative Rule-Making Review Committee and refiled
6 in the state register on the sixteenth day of February, two
7 thousand five, relating to the Division of Labor (Elevator Safety
8 Act, 42 CSR 21), is authorized, with the following amend-
9 ments:

10 On page three, subdivision 6.1., after the words “private
11 inspector may not” by striking out the words “provide inspec-
12 tion services to an elevator on which the inspector, his or her
13 employer or employee of his or her employer has made repairs
14 or provided routine maintenance” and inserting in lieu thereof
15 the words “inspect repairs or routine maintenance work
16 performed by the inspector, the inspector’s employer or another
17 employee of the inspector”’s employer”;

18 And,

19 On page three, subdivision 6.1., after the words “may enter
20 into any” by inserting the words “state owned”.

21 (b) The legislative rule filed in the state register on the
22 twelfth day of August, two thousand four, under the authority
23 of section twenty, article one, chapter forty-seven, of this code,
24 modified by the Division of Labor to meet the objections of the

25 Legislative Rule-Making Review Committee and refiled in the
26 state register on the sixteenth day of February, two thousand
27 five, relating to the Division of Labor (weights and measures
28 calibration fees, 42 CSR 26), is authorized.

29 (c) The legislative rule filed in the state register on the
30 twenty-seventh day of August, two thousand four, under the
31 authority of section four, article nine, chapter twenty-one, of
32 this code, relating to the Division of Labor (West Virginia
33 Manufactured Housing Construction and Safety Standards
34 Board, 42 CSR 19), is authorized.

§64-10-4. Division of Natural Resources.

1 (a) The legislative rule filed in the state register on the
2 twenty-seventh day of August, two thousand four, under the
3 authority of section twenty-three-a, article two, chapter twenty,
4 of this code, relating to the Division of Natural Resources
5 (commercial whitewater outfitters, 58 CSR 12), is authorized.

6 (b) The legislative rule filed in the state register on the
7 twenty-third day of August, two thousand four, under the
8 authority of section seven, article one, chapter twenty, and
9 section eleven, article two, chapter twenty, of this code, relating
10 to the Division of Natural Resources (commercial sale of
11 wildlife, 58 CSR 63), is authorized.

12 (c) The legislative rule filed in the state register on the
13 twelfth day of August, two thousand four, under the authority
14 of section seven, article one, chapter twenty, of this code,
15 modified by the Division of Natural Resources to meet the
16 objections of the Legislative Rule-Making Review Committee
17 and refiled in the state register on the seventeenth day of
18 November, two thousand four, relating to the Division of
19 Natural Resources (revocation of hunting and fishing licenses,
20 58 CSR 23), is authorized.

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.

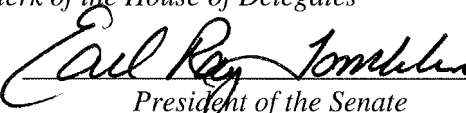
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

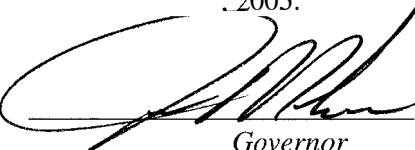


President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of May, 2005.



Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 10:25 am