WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2170

(By Delegates Brown, D. Poling, Talbott, Miley, Overington and Sobonya)

Passed April 10, 2009
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 Department of Commerce; 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 recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; repealing certain legislative rules;
authorizing the Development Office to promulgate a legislative rule relating to brownfield economic development districts; authorizing the Division of Labor to repeal a legislative rule relating to packaging and labeling; authorizing the Division of Labor to repeal a legislative rule relating to a method of sale of commodities; 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 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 standards for weights and measures inspectors adoption of National Conference of Weights and Measures (NCWM) Handbook 130, 1987 edition; authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Attractions Safety Act; 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 the supervision of elevator mechanics and apprentices; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing license and stamp fees; authorizing the Division of Tourism to promulgate a legislative rule relating to the direct advertising grants program.

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. Development Office.

1 The legislative rule filed in the state register on the fifteenth day of August, two thousand eight, authorized under the authority of section six-a, article two, chapter five-b, of this code, modified by the Development Office to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of February, two thousand nine, relating to the Development Office (brownfield economic development districts, 145 CSR 11), is authorized.

§64-10-2. Division of Labor.

(a) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section three, article one, chapter forty-seven, of this code, relating to the Division of Labor (packaging and labeling, 42 CSR 10), is authorized.

(b) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section three, article one, chapter forty-seven, of this code, relating to the Division of Labor (method of sale of commodities, 42 CSR 11), is authorized.

(c) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section four, article nine, chapter twenty-one, of this code, relating to the Division of Labor (West Virginia Manufactured Housing Construction and Safety Standards Board, 42 CSR 19), is authorized.
(d) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section three, article one, chapter forty-seven, of this code, relating to the Division of Labor (weights and measures calibration fees, 42 CSR 26), is authorized.

(e) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section three, article one, chapter forty-seven, of this code, modified by the Division of Labor to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-first day of November, two thousand eight, relating to the Division of Labor (standards for weights and measures inspectors adoption of National Conference of Weights and Measures (NCWM) Handbook 130, 1987 edition, 42 CSR 16), is authorized.

(f) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section three, article ten, chapter twenty-one, of this code, modified by the Division of Labor to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-first day of November, two thousand eight, relating to the Division of Labor (Amusement Rides and Attractions Safety Act, 42 CSR 17), is authorized.

(g) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section eleven, article three-c, chapter twenty-one, of this code, modified by the Division of Labor to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-first day of November, two thousand eight, relating to the Division of Labor (Elevator Safety Act, 42 CSR 21), is authorized.
(h) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, authorized under the authority of section eleven, article three-c, chapter twenty-one, of this code, modified by the Division of Labor to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of January, two thousand nine, relating to the Division of Labor (supervision of elevator mechanics and apprentices, 42 CSR 21A), is authorized, with the following amendment:

On page two, section four, subsection 4.1, after the word "Escalators" by inserting a comma and the words "issued or effective on October 6, 2007, October 5, 2007, and March 31, 2006, respectively,";

On page two, section four, subsection 4.1, after the word "Chairlifts" by inserting a comma and the words "published on August 28, 2008,";

On page 3, paragraph 6.1.d.1., after the words "previous employers" by striking out the words "licensed to do business in this state";

On page 4, subsection 7.3., after the words "An elevator mechanic" by reinserting the stricken word "may" and striking out the underlined word "shall", and after the words "only under the" by striking out the word "direct", and after the words "licensed elevator mechanic" by striking out the period and inserting in lieu thereof a comma and the words "as specifically set forth in West Virginia Code § 21-3C-10a(c).";

On page 4, subdivisions 7.3.1. and 7.3.2, by striking out subdivisions 7.3.1 and 7.3.2 in their entirety;

On page 6, subdivision 10.3, after the words "the commissioner" by striking out the word "may";
On page 6, subdivision 12.1, after the words “state that has” by inserting the words “requirements substantially equivalent to those provided for by W. Va. Code §21-3C-1 et seq. and this rule, and has”;

On page 7, subdivision 15.2, after the words “upon observing” by inserting the words “or learning of”;

On page 8, paragraph (a), after the words “The name” by striking out the words “and address”;

On page 8, paragraph (b), after the word “alleged” by striking out the words “unlawful act” and inserting in lieu thereof the word “infraction”;

On page 8, paragraph (c), after the word “alleged” by striking out the words “unlawful act” and inserting in lieu thereof the word “infraction”;

And,

On page 8, paragraph (d), after the word “alleged” by striking out the words “unlawful act” and inserting in lieu thereof the word “infraction”.

§64-10-3. Division of Natural Resources.

(a) The legislative rule filed in the state register on the thirtieth day of July, two thousand eight, authorized under the authority of section seven, article one, chapter twenty, of this code, relating to the Division of Natural Resources (boating, 58 CSR 25), is authorized.

(b) The legislative rule filed in the state register on the thirtieth day of July, two thousand eight, authorized under the authority of section seven, article one, chapter twenty, of this code, relating to the Division of Natural Resources (deer hunting, 58 CSR 50), is authorized.
(c) The legislative rule filed in the state register on the twenty-ninth day of July, two thousand eight, authorized under the authority of section seven, article two-b, chapter twenty, of this code, relating to the Division of Natural Resources (lifetime hunting, trapping and fishing licenses, 58 CSR 67), is authorized.

(d) The legislative rule filed in the state register on the twenty-ninth day of July, two thousand eight, authorized under the authority of section forty-two, 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 eighth day of September, two thousand eight, relating to the Division of Natural Resources (hunting, trapping and fishing license and stamp fees, 58 CSR 71), is authorized.

§64-10-4. Division of Tourism.

The legislative rule filed in the state register on the first day of August, two thousand eight, authorized under the authority of section nine, article two, chapter five-b, of this code, relating to the Division of Tourism (direct advertising grants program, 144 CSR 1), 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 24th day of April, 2009.

Governor