

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 170**

(By Senator Snyder)

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[Originating in the Committee on the Judiciary;  
reported February 18, 2015.]

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A BILL to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Bureau 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 with various modifications and as amended by the Legislature; authorizing Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the safety of those employed in and around quarries in West Virginia; authorizing Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules; authorizing Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing license and stamp fees; authorizing Division of

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Natural Resources to promulgate a legislative rule relating to general hunting; authorizing Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses; authorizing Division of Natural Resources to promulgate a legislative rule relating to wildlife damage control agents; authorizing Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act; authorizing Division of Labor to promulgate a legislative rule relating to child labor; authorizing Division of Labor to promulgate a legislative rule relating to the supervision of plumbing work; authorizing Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers; authorizing Division of Labor to promulgate a legislative rule relating to the regulation of heating, venting and cooling work; authorizing Division of Labor to promulgate a legislative rule relating to weights and measures calibration fees; and authorizing Division of Forestry to promulgate a legislative rule relating to ginseng.

*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. Office of Miners' Health, Safety and Training.**

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1           The legislative rule filed in the State Register on July 29, 2014, authorized under the  
2 authority of section three, article four, chapter twenty-two-a of this code, modified by the Office of  
3 Miners' Health, Safety and Training to meet the objections of the Legislative Rule-Making Review  
4 Committee and refiled in the State Register on September 16, 2014, relating to the Office of Miners'  
5 Health, Safety and Training (rules governing the safety of those employed in and around quarries in  
6 West Virginia, 56 CSR 20), is authorized.

7 **§64-10-2. Division of Natural Resources.**

8           (a) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
9 authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural  
10 Resources (defining the terms used in all hunting and trapping rules, 58 CSR 46), is authorized.

11           (b) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
12 authority of section forty-two, article two, chapter twenty of this code, relating to the Division of  
13 Natural Resources (hunting, trapping and fishing license and stamp fees, 58 CSR 71), is authorized.

14           (c) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
15 authority of section seven, article one, chapter twenty of this code, modified by the Division of  
16 Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and  
17 refiled in the State Register on November 7, 2014, relating to the Division of Natural Resources  
18 (general hunting, 58 CSR 49), is authorized.

19           (d) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
20 authority of section seven, article two-b, chapter twenty of this code, relating to the Division of  
21 Natural Resources (lifetime hunting, trapping and fishing licenses, 58 CSR 67), is authorized.

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1 (e) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
2 authority of section seven, article two, chapter twenty of this code, modified by the Division of  
3 Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on September 29, 2014, relating to the Division of Natural Resources  
5 (wildlife damage control agents, 58 CSR 41), is authorized.

6 (f) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
7 authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural  
8 Resources (special boating, 58 CSR 26), is authorized.

9 (g) The legislative rule filed in the State Register on August 1, 2014, authorized under the  
10 authority of section twenty-three-a, article two, chapter twenty of this code, modified by the Division  
11 of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and  
12 refiled in the State Register on November 21, 2014, relating to the Division of Natural Resources  
13 (commercial whitewater outfitters, 58 CSR 12), is authorized.

14 **§64-10-3. Division of Labor.**

15 (a) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
16 authority of section three, article ten, chapter twenty-one of this code, modified by the Division of  
17 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
18 State Register on December 2, 2014, relating to the Division of Labor (Amusement Rides and  
19 Amusement Attractions Safety Act, 42 CSR 17), is authorized with the amendments set forth below:

20 On page 2, subsection 3.14, after the word “guardian” by adding “or their spouses”;

21 On page 3, subsection 3.25, by striking the words “at least a 20%” and inserting in lieu

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1 thereof “any percentage”;

2 And,

3 On page 13, after the words “Article 525” by adding the following proviso:

4 “:Provided, That a three phase four wire system that is grounded at the power source and  
5 constructed in accordance with the NFPA70, 2014 National Electrical Code, Article 522 and Article  
6 525 is approved for any area of the state where a three phase five wire system is unavailable.”

7 (b) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
8 authority of section eleven, article six, chapter twenty-one of this code, modified by the Division of  
9 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
10 State Register on December 2, 2014, relating to the Division of Labor (child labor, 42 CSR 9), is  
11 authorized.

12 (c) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
13 authority of section four, article fourteen, chapter twenty-one of this code, modified by the Division  
14 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
15 the State Register on December 2, 2014, relating to the Division of Labor (supervision of plumbing  
16 work, 42 CSR 32), is authorized.

17 (d) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
18 authority of section three, article one-b, chapter twenty-one of this code, modified by the Division  
19 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
20 the State Register on December 29, 2014, relating to the Division of Labor (Verifying the Legal  
21 Employment Status of Workers, 42 CSR 31), is authorized with the amendments set forth below:

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1 On page two, subsection 3.7, after the word “work” by adding the words “for  
2 compensation;”;

3 And

4 On page three, subsection 4.2, after the word “not” by inserting the word “knowingly.”.

5 (e) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
6 authority of section five, article sixteen, chapter twenty-one of this code, modified by the Division  
7 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
8 the State Register on December 2, 2014, relating to the Division of Labor (regulation of heating,  
9 venting and cooling work, 42 CSR 34), is authorized.

10 (f) The legislative rule filed in the State Register on July 30, 2014, authorized under the  
11 authority of section three, article one, chapter forty-seven of this code, modified by the Division of  
12 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
13 State Register on December 2, 2014, relating to the Division of Labor (weights and measures  
14 calibration fees, 42 CSR 26), is authorized with the amendment set forth below:

15 On page five, Appendix A, column one, by striking out “Prover - from 5 to 49 gallons” and  
16 inserting in lieu thereof “Prover - from 6 to 49 gallons”.

17 **§64-10-4. Division of Forestry.**

18 The legislative rule filed in the State Register on the August 1, 2014, authorized under the  
19 authority of section three-a, article one-a, chapter nineteen of this code, modified by the Division of  
20 Forestry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
21 State Register on September 18, 2014, relating to the Division of Forestry (ginseng, 22 CSR 1), is

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1 authorized with the amendments set forth below:

2           On page four, section ten, by striking out the word “A” and inserting in lieu thereof the word  
3 “No”;

4           On page five, section 12, subsection 12.3, after the word “grower’s” by striking out the word  
5 “fee” and inserting in lieu thereof the word “permit”;

6           And,

7           On page five, section 12, subsection 12.3, after the word “dealer’s” by striking out the word  
8 “fee” and inserting in lieu thereof the word “permit”.