

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 170

(Senator Snyder, *original sponsor*)

[Passed March 14, 2015; in effect from passage.]

AN ACT 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 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.

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 not
14 authorized.

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

20 (d) The legislative rule filed in the State Register on July 30, 2014, authorized under the
21 authority of section seven, article two-b, chapter twenty of this code, relating to the Division of
22 Natural Resources (lifetime hunting, trapping and fishing licenses, 58 CSR 67), is not authorized.

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
22 thereof “any percentage”;

1 And,

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

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

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

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

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

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

1 And

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

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

8 ‘On page 2, subsection 3.6. by striking all of subsection 3.6.;

9 And,

10 On page 2, subsection 6.2., after the word “Commissioner”, by striking the word “may” and
11 inserting in lieu thereof the word “shall”;

12 And,

13 On page 2, subdivision 6.2.3.a by inserting a period after the word, “program” and striking
14 the remainder of the sentence and subdivision 6.2.3.b;

15 On page 4, subsection 10.3., after the word “rule” by inserting the following: “that are
16 applicable to the duties and knowledge required by an HVAC technician for the installation, repair
17 and maintenance of HVAC”;

18 And,

19 On page 5, section 11, by striking all of subsections 11.4. and 11.5.;

20 And,

21 On page 6, subsection 13.1., after the word “license” by inserting the following:

22 “: *Provided*, That no fee may be charged for an HVAC technician license for a person who

1 holds an HVAC contractor’s license pursuant to article eleven, chapter twenty-one of the W. Va.
2 Code.”.

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

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

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

11 The legislative rule filed in the State Register on the August 1, 2014, authorized under the
12 authority of section three-a, article one-a, chapter nineteen of this code, modified by the Division of
13 Forestry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the
14 State Register on September 18, 2014, relating to the Division of Forestry (ginseng, 22 CSR 1), is
15 authorized with the amendments set forth below:

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

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

20 And,

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