

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 409**

BY Senator Woodrum

[Originating in the Committee on the Judiciary;

reported on February 9, 2023]

1 A BILL to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all  
2 relating generally to authorizing certain agencies of the Department of Commerce to  
3 promulgate legislative rules; authorizing the rules as filed, as modified, as modified and  
4 amended, and as amended by the Legislative Rule-Making Review Committee and as  
5 amended by Legislature; relating to authorizing the West Virginia Department of Economic  
6 Development to promulgate a legislative rule relating to the Small Business Innovation  
7 Research and Small Business Technology Transfer Matching Funds Program; relating to  
8 authorizing the Division of Labor to promulgate a legislative rule relating to the West  
9 Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing  
10 the Division of Labor to promulgate a legislative rule relating to supervision of plumbing  
11 work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to  
12 regulation of heating, ventilating, and cooling work; relating to authorizing the Division of  
13 Labor to promulgate a legislative rule relating to registration of service persons and service  
14 agencies; relating to authorizing the Division of Labor to promulgate a legislative rule  
15 relating to registration of weighing and measuring devices used by businesses in  
16 commercial transactions; relating to authorizing the Division of Natural Resources to  
17 promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides;  
18 relating to authorizing the Division of Natural Resources to promulgate a legislative rule  
19 relating to commercial whitewater outfitters; relating to authorizing the Division of Natural  
20 Resources to promulgate a legislative rule relating to special motorboating regulations;  
21 and relating to authorizing the Division of Natural Resources to promulgate a legislative  
22 rule relating to miscellaneous permits and licenses.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-10-1. West Virginia Department of Economic Development.**

1           The legislative rule filed in the State Register on July 29, 2022, authorized under the  
2 authority of §5B-8-2 of this code, modified by the West Virginia Department of Economic  
3 Development to meet the objections of the Legislative Rule-Making Review Committee and refiled  
4 in the State Register on November 1, 2022, relating to the West Virginia Department of Economic  
5 Development (Small Business Innovation Research and Small Business Technology Transfer  
6 Matching Funds Program, 145 CSR 15), is authorized with the amendments set forth below:

7           On page 1, by striking out all of subsection 2.1. and inserting lieu thereof of a new  
8 subsection 2.1. to read as follows:

9                     "2.1. The West Virginia Small Business Innovation Research and Small Business  
10 Technology Transfer Matching Funds Program is established. It shall be administered by the  
11 Department of Economic Development. The purpose of this matching funds program is to foster  
12 job creation and economic development in the state. The Department of Economic Development  
13 may provide grants to eligible small businesses to prepare a competitive Phase I proposal, or  
14 match funds they receive from Small Business Innovation Research or Small Business  
15 Technology Transfer Phase I and Phase II awards. The Department of Economic Development will  
16 pay the grants from the fund known as the "Entrepreneurship and Innovation Investment Fund"  
17 created pursuant to W.Va. Code §5B-2-16.";

18           And,

19           On page 1, subsection 3.1. by striking out the words "West Virginia Department of  
20 Commerce" and inserting in lieu thereof the words "West Virginia Department of Economic  
21 Development".

**§64-10-2. Division of Labor.**

1           (a)The legislative rule filed in the State Register on July 26, 2022, authorized under  
2 the authority of §21-9-4 of this code, modified by the Division of Labor to meet the objections of the  
3 Legislative Rule-Making Review Committee and refiled in the State Register on September 15,

4 2022, relating to the Division of Labor (West Virginia Board of Manufactured Housing  
5 Construction and Safety, 42 CSR 19), is authorized.

6 (b)The legislative rule filed in the State Register on July 29, 2022, authorized under  
7 the authority of §21-14-4 of this code, relating to the Division of Labor (supervision of plumbing  
8 work, 42 CSR 32), is authorized.

9 (c)The legislative rule filed in the State Register on July 29, 2022, authorized under  
10 the authority of §21-16-5 of this code, modified by the Division of Labor to meet the objections of  
11 the Legislative Rule-Making Review Committee and refiled in the State Register on September 15,  
12 2022, relating to the Division of Labor (regulation of heating, ventilating, and cooling work, 42 CSR  
13 34), is authorized with the amendment set forth below:

14 On page 10, section 13.2., by striking out the word "plumbing" and inserting in lieu  
15 thereof the word "HVAC".

16 (d)The legislative rule filed in the State Register on November 30, 2021, authorized  
17 under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections  
18 of the Legislative Rule-Making Review Committee and refiled in the State Register on September  
19 15, 2022, relating to the Division of Labor (registration of service persons and service agencies, 42  
20 CSR 35), is authorized.

21 (e)The legislative rule filed in the State Register on November 30, 2021, authorized  
22 under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections  
23 of the Legislative Rule-Making Review Committee and refiled in the State Register on September  
24 15, 2022, relating to the Division of Labor (registration of weighing and measuring devices used by  
25 businesses in commercial transactions, 42 CSR 36), is authorized.

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

1 (a) The legislative rule filed in the State Register on November 30, 2021, authorized  
2 under the authority of §20-7-7 of this code, modified by the Division of Natural Resources to meet  
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register

4 on September 29, 2022, relating to the Division of Natural Resources (hunting, fishing, and other  
5 outfitters and guides, 58 CSR 11), is authorized with the amendment set forth below:

6 On page 4, by striking out all of sections 7.1., 7.2., 7.3., and 7.4. and inserting in lieu  
7 thereof a new section 7.1. to read as follows:

8 "7.1. The Division may refer violations of the provisions of this rule to the appropriate  
9 law enforcement or prosecutor's office for criminal prosecution."

10 (b)The legislative rule filed in the State Register on July 29, 2022, authorized under  
11 the authority of §20-2-23a of this code, relating to the Division of Natural Resources (commercial  
12 whitewater outfitters, 58 CSR 12), is authorized with the amendment set forth below:

13 On page 18, section 15.1., by striking out all of section 15.1. and inserting in lieu  
14 thereof a new section 15.1. to read as follows:

15 "15.1. The Division may refer violations of the provisions of this rule to the appropriate  
16 law enforcement or prosecutor's office for criminal prosecution."

17 (c)The legislative rule filed in the State Register on July 29, 2022, authorized under  
18 the authority of §20-7-22 of this code, relating to the Division of Natural Resources (special  
19 motorboating regulations, 58 CSR 27), is authorized.

20 (d)The legislative rule filed in the State Register on November 30, 2021, authorized  
21 under the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet  
22 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
23 on September 29, 2022, relating to the Division of Natural Resources (miscellaneous permits and  
24 licenses, 58 CSR 64), is authorized with the amendments set forth below:

25 On page 19, by striking out all of sections 8.1. and 8.2. in their entirety and inserting in lieu  
26 thereof a new section 8.1. to read as follows:

27 "8.1. The Division may refer violations of the provisions of this rule to the appropriate law  
28 enforcement or prosecutor's office for criminal prosecution."