

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2626

(By Delegates Brown, D. Poling, Fleischauer
and Talbott)



Passed March 9, 2011

In Effect From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2626

(BY DELEGATES BROWN, D. POLING, FLEISCHAUER
AND TALBOTT)

[Passed March 9, 2011; 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; authorizing the Workforce West Virginia to promulgate a legislative rule related to the employer violator system, (96 CSR 3); authorizing the Division of Natural Resources to promulgate legislative rules relating to special motorboating regulations, (58 CSR 27), prohibitions when hunting and trapping, (58 CSR 47), and general hunting, (58 CSR 49); authorizing the Division of Labor to promulgate legislative rules relating to the Elevator Safety Act, (42 CSR 21), supervision of elevator mechanics and apprentices, (42 CSR 21A), the Crane Operator Certification Act, (42 CSR 24), and the Crane Operator Certification Act - practical examination, (42 CSR 25).

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. Workforce West Virginia.

1 The legislative rule filed in the state register on the
2 twenty-fourth day of September, two thousand nine,
3 authorized under the authority of section four, article one,
4 chapter twenty-one-a, of this code, modified by Workforce
5 West Virginia to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register
7 on the eighteenth day of October, two thousand ten, relating
8 to Workforce West Virginia (employer violator system, 96
9 CSR 3), is authorized.

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

1 (a) The legislative rule filed in the state register on the
2 twenty-ninth day of June, two thousand ten, authorized under
3 the authority of section twenty-three, article seven, chapter
4 twenty, of this code, modified by the Division of Natural
5 Resources to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register
7 on the twenty-eighth day of July, two thousand ten, relating
8 to the Division of Natural Resources (special motorboating
9 regulations, 58 CSR 27), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-second day of July, two thousand ten, authorized under
12 the authority of section seven, article one, chapter twenty, of this
13 code, relating to the Division of Natural Resources (prohibitions
14 when hunting and trapping, 58 CSR 47), is authorized.

15 (c) The legislative rule filed in the state register on the
16 twenty-second day of July, two thousand ten, authorized
17 under the authority of section seven, article one, chapter
18 twenty, of this code, relating to the Division of Natural
19 Resources (general hunting, 58 CSR 49), is authorized.

§64-10-3. Division of Labor.

1 (a) The legislative rule filed in the state register on the
2 thirtieth day of July, two thousand ten, authorized under the
3 authority of section eleven, article three-c, chapter twenty-
4 one, of this code, modified by the Division of Labor to meet
5 the objections of the Legislative Rule-Making Review
6 Committee and refiled in the state register on the twenty-third
7 day of September, two thousand ten, relating to the Division
8 of Labor (Elevator Safety Act, 42 CSR 21), is authorized.

9 (b) The legislative rule filed in the state register on the
10 thirtieth day of July, two thousand ten, authorized under the

11 authority of section eleven, article three-c, chapter twenty-
12 one, of this code, modified by the Division of Labor to meet
13 the objections of the Legislative Rule-Making Review
14 Committee and refiled in the state register on the twenty-third
15 day of September, two thousand ten, relating to the Division
16 of Labor (supervision of elevator mechanics and apprentices,
17 42 CSR 21A), is authorized.

18 (c) The legislative rule filed in the state register on the
19 twenty-third day of July, two thousand ten, authorized under
20 the authority of section three, article three-d, chapter twenty-
21 one, of this code, modified by the Division of Labor to meet
22 the objections of the Legislative Rule-Making Review
23 Committee and refiled in the state register on the twenty-third
24 day of September, two thousand ten, relating to the Division
25 of Labor (Crane Operator Certification Act, 42 CSR 24), is
26 authorized with the following amendment:

27 On page five, subdivision 5.5(a) after the words “as
28 required by”, by striking the words “paragraph 4.5.1(f)” and
29 inserting in lieu thereof the words “subdivision 5.1(f)”;

30 And,

31 On page eight, subsection 7.3, by striking out “25-5” and
32 inserting in lieu thereof “25-4”.

33 (d) The legislative rule filed in the state register on the
34 twenty-third day of July, two thousand ten, authorized under
35 the authority of section three, article three-d, chapter twenty-
36 one, of this code, modified by the Division of Labor to meet
37 the objections of the Legislative Rule-Making Review
38 Committee and refiled in the state register on the twenty-third
39 day of September, two thousand ten, relating to the Division
40 of Labor (Crane Operator Certification Act - practical
41 examination, 42 CSR 25), is authorized.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor