

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 170

(By Senator Snyder)

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

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

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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;

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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

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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

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C O M M E R C E T O
PROMULGATE LEGISLATIVE
RULES.

§64-10-1. Office of Miners' Health, Safety and Training.

1 The legislative rule filed in the State Register on July
2 29, 2014, authorized under the authority of section three,
3 article four, chapter twenty-two-a of this code, modified by
4 the Office of Miners' Health, Safety and Training to meet the
5 objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on September 16,
7 2014, relating to the Office of Miners' Health, Safety and
8 Training (rules governing the safety of those employed in and
9 around quarries in West Virginia, 56 CSR 20), is authorized.

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

11 (a) The legislative rule filed in the State Register on
12 July 30, 2014, authorized under the authority of section

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1 seven, article one, chapter twenty of this code, relating to the
2 Division of Natural Resources (defining the terms used in all
3 hunting and trapping rules, 58 CSR 46), is authorized.

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

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

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

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

14 (f) The legislative rule filed in the State Register on
15 July 30, 2014, authorized under the authority of section
16 seven, article one, chapter twenty of this code, relating to the

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1 Division of Natural Resources (special boating, 58 CSR 26),
2 is authorized.

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

11

12 **§64-10-3. Division of Labor.**

13 (a) The legislative rule filed in the State Register on
14 July 30, 2014, authorized under the authority of section three,
15 article ten, chapter twenty-one of this code, modified by the
16 Division of Labor to meet the objections of the Legislative

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1 Rule-Making Review Committee and refiled in the State
2 Register on December 2, 2014, relating to the Division of
3 Labor (Amusement Rides and Amusement Attractions Safety
4 Act, 42 CSR 17), is authorized with the amendments set forth
5 below:

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

8 On page 3, subsection 3.25, by striking the words “at
9 least a 20%” and inserting in lieu thereof “any percentage”;

10 And,

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

13 “:Provided, That a three phase four wire system that
14 is grounded at the power source and constructed in
15 accordance with the NFPA70, 2014 National Electrical Code,
16 Article 522 and Article 525 is approved for any area of the

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1 state where a three phase five wire system is unavailable.”

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

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

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

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

12 And

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

15 (e) The legislative rule filed in the State Register on
16 July 30, 2014, authorized under the authority of section five,

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1 article sixteen, chapter twenty-one of this code, modified by
2 the Division of Labor to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in
4 the State Register on December 2, 2014, relating to the
5 Division of Labor (regulation of heating, venting and cooling
6 work, 42 CSR 34), is authorized.

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

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

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1 thereof “Prover - from 6 to 49 gallons”.

2 **§64-10-4. Division of Forestry.**

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

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

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

16 And,

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