

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 218**

BY SENATOR MAYNARD

[Originating in the Committee on the Judiciary;

reported on February 18, 2016.]



1 A BILL to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the Division of Labor to promulgate a legislative rule relating to minimum  
3 wage and maximum hours.

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

1 That §64-10-1 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

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

**§64-10-1. Division of Labor; authorization for miscellaneous agencies and boards to  
apromulgate legislative rules.**

1 The legislative rule filed in the State Register on July 31, 2015, authorized under the  
2 authority of section one, article five-c, chapter twenty-one of this code, modified by the Division of  
3 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
4 State Register on December 9, 2015, relating to the Division of Labor (minimum wage and  
5 maximum hours, 42 CSR 8), is authorized with the amendment set forth below:

6 On page 1, by adding a new Subsection 2.2 that reads “Pursuant to W. Va. Code § 21-  
7 5C-1(e), the provisions of this rule relating to maximum hours and overtime compensation are not  
8 enforceable against or applicable to any individual, partnership, association, corporation, person  
9 or group of persons or similar unit if eighty percent of the persons employed by him or her are  
10 subject to any federal act relating to maximum hours and overtime compensation.”;

11 And renumbering the remaining subsections.