

SB 192

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SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



# ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 192

(By Senator ROSS ET AL)



PASSED APRIL 10, 1997

In Effect FROM Passage

**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 192**

(SENATORS ROSS, ANDERSON, MACNAUGHTAN, BOLEY AND  
BUCKALEW, *original sponsors*)

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[Passed April 10, 1997; in effect from passage.]

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AN ACT to amend and reenact sections one and two, article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and 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 legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the division of natural resources to promulgate a legislative rule relating to fertility control of free roaming wildlife; authorizing the division of natural resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the division of natural resources to promulgate a legislative rule relating to falconry; and authorizing the manufactured housing construction and safety standards board to promulgate a legislative rule relating to the board.

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

That sections one and two, article ten, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

**§64-10-1. Division of natural resources.**

1 (a) The legislative rule filed in the state register on the  
2 sixteenth day of August, one thousand nine hundred  
3 ninety-six, authorized under the authority of section five-  
4 d, article two, chapter twenty of this code, modified by the  
5 division of natural resources to meet the objections of the  
6 legislative rule-making review committee and refiled in  
7 the state register on the twenty-seventh day of September,  
8 one thousand nine hundred ninety-six, relating to the  
9 division of natural resources (fertility control of free  
10 roaming wildlife, 58 CSR 66), is authorized.

11 (b) The legislative rule filed in the state register on the  
12 sixteenth day of August, one thousand nine hundred  
13 ninety-six, authorized under the authority of section  
14 seven, article one, chapter twenty of this code, modified by  
15 the division of natural resources to meet the objections of  
16 the legislative rule-making review committee and refiled  
17 in the state register on the twenty-seventh day of Septem-  
18 ber, one thousand nine hundred ninety-six, relating to the

19 division of natural resources (prohibitions when hunting  
20 and trapping, 58 CSR 47), is authorized.

21 (c) The legislative rule filed in the state register on the  
22 sixteenth day of August, one thousand nine hundred  
23 ninety-six, authorized under the authority of section  
24 seven, article one, chapter twenty of this code, modified by  
25 the division of natural resources to meet the objections of  
26 the legislative rule-making review committee and refiled  
27 in the state register on the twenty-seventh day of Septem-  
28 ber, one thousand nine hundred ninety-six, relating to the  
29 division of natural resources (falconry, 58 CSR 65), is  
30 authorized.

**§64-10-2. Manufactured housing construction and safety stan-  
dards board.**

1 The legislative rule filed in the state register on the  
2 fourteenth day of August, one thousand nine hundred  
3 ninety-six, authorized under the authority of section four,  
4 article nine, chapter twenty-one of this code, modified by  
5 the manufactured housing construction and safety stan-  
6 dards board to meet the objections of the legislative  
7 rule-making review committee and refiled in the state  
8 register on the eleventh day of February, one thousand  
9 nine hundred ninety-seven, relating to the manufactured  
10 housing construction and safety standards board (manu-  
11 factured housing construction and safety standards board,  
12 42 CSR 19), is authorized, with the following amendments:

13 “On page two, section three, line fourteen, after the  
14 word ‘authorized’ by striking out the period and adding  
15 the following:

16 ‘with the amendments set forth below:

17 On page 20, subsection 10B.5, line two, after the word  
18 ‘preparation’ by inserting the words ‘that cannot be  
19 performed after the home is leveled as described in the  
20 initial home placement evaluation form in 10B.4’;

21 On page 20, subsection 10B.5, line two, by striking out  
22 the word ‘and’ and by inserting in lieu thereof the word  
23 ‘or’;

24 On page 21, subsection 10B.6(b), line three, by striking  
25 out the word 'the' and inserting in lieu thereof the word  
26 'all';

27 On page 21, subsection 10B.6(b), line three, after the  
28 word 'installation', by inserting the words 'as set forth in  
29 subsection 3.21 of this rule'.

30 On page 24, subsection 13.1, line three, after the word  
31 'standards', by striking out the word 'or' and inserting in  
32 lieu thereof a comma;

33 On page 24, subsection 13.1, line three, after the word  
34 licensees, by inserting a comma, and the words 'including,  
35 but not limited to, warranty claims, matters concerning  
36 the installation of the home and all matters covered by  
37 this rule';

38 On page 24, subsection 13.2, line four, after the word  
39 'complaints' by adding the words 'Any Licensee may file  
40 a complaint with the Board';

41 On page 24, subsection 13.4, line six, by striking the  
42 word 'may', and inserting in lieu thereof the word 'must';

43 On page 24, subsection 13.4, after the word distributor,  
44 by striking the word 'or' and inserting in lieu thereof a  
45 comma;

46 On page 24, subsection 13.4, line eight, after the word  
47 'contractor', by adding the words 'or installer';

48 On page 24, subsection 13.6, line two, by striking out the  
49 words 'federal or state manufactured housing standard'  
50 and inserting in lieu thereof the words 'matter within the  
51 Board's jurisdiction as defined by this Rule';

52 On page 25, subsection 13.6, line one, by striking out the  
53 words 'the Board's licensee it determines responsible', and  
54 inserting in lieu thereof the words 'any and all responsible  
55 licensees';

56 On page 25, subsection 13.6, line three, after the word  
57 'violated' by adding the words 'If no standard has been  
58 violated it shall be so noted in writing to all parties  
59 involved';

60 On page 25, subsection 13.6, line four, by striking the  
61 word 'the' and inserting in lieu thereof the word 'a';

62 And, on page 25, subsection 13.6, line five, after the  
63 word 'thirty' by striking out the word 'days' and inserting  
64 in lieu thereof the following: 'calendar days from receipt  
65 of notice'."

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

*Kathy Schoonover*  
.....  
Chairman Senate Committee

*Nick Fontana*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage

*Carroll E. Debus*  
.....  
Clerk of the Senate

*Gregory M. Egan*  
.....  
Clerk of the House of Delegates

*Carl Ray Tompkins*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *22nd*  
day of *April* ....., 1997.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/17/97

Time 3:36 pm