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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



# ENROLLED

## House Bill No. 4709

(By Delegates Tucker, Kuhn, Varner,  
Stemple, Staton, Yost and G. White)



Passed March 13, 2004

In Effect Ninety Days from Passage

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### H. B. 4709

(BY DELEGATES TUCKER, KUHN, VARNER,  
STEMPLE, STATON, YOST AND G. WHITE)

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[Passed March 13, 2004; in effect ninety days from passage.]

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AN ACT to amend and reenact §47-1-20 of the code of West Virginia, 1931, as amended, relating to allowing the commissioner of labor to charge fees for laboratory services and calibrations by rule; establishing a special revenue account to be used by the division of labor for the enforcement of weights and measures statutes.

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

That §47-1-20 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### ARTICLE 1. WEIGHTS AND MEASURES.

##### §47-1-20. State measurement laboratory.

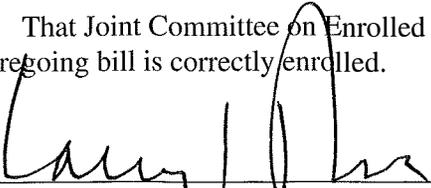
1       The commissioner shall operate and maintain a state  
2       measurement laboratory certified and approved by the national  
3       institute of standards and technology. The laboratory shall be  
4       used to both house and maintain the state primary standards and

5 secondary standards as traceable to the national standards and  
6 to test or calibrate any secondary or working standards which  
7 are submitted for test as required by this article.

8 The commissioner shall promulgate rules, pursuant to  
9 chapter twenty-nine-a of this code to assess fees for weights and  
10 measures laboratory calibration and testing. All fees collected  
11 by the commissioner under the provisions of this section shall  
12 be deposited into a special revenue account in the state treasury  
13 to be known as the "Weights and Measures Fund." The moneys  
14 in the fund shall be used by the commissioner solely for the  
15 enforcement of this article. The commissioner is hereby  
16 authorized to allocate moneys from the weights and measures  
17 fund to enforce the provisions of this article without legislative  
18 appropriation of moneys from the fund until the last day of  
19 June, two thousand six. Effective the first day of July, two  
20 thousand six, no moneys may be expended from the fund except  
21 by legislative appropriation.

22 The commissioner shall provide such personnel as required  
23 to operate the laboratory in a manner which is consistent with  
24 the needs of this article. Personnel shall be trained and certified  
25 to perform all such calibrations and tests as required by the  
26 national institute of standards and technology to maintain  
27 traceability of the state standards to national standards, and to  
28 properly maintain the laboratory facility as certified and  
29 traceable to the national institute of standards and technology.

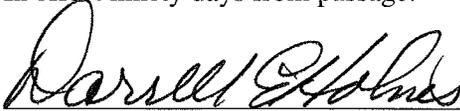
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

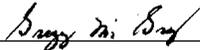
  
Chairman Senate Committee

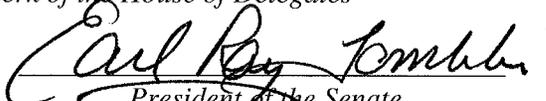
  
Chairman House Committee

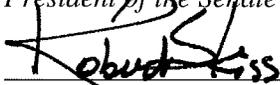
Originating in the House.

In effect ninety days from passage.

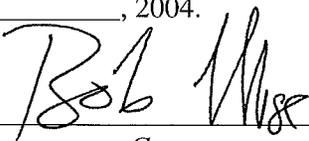
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 16th  
day of April, 2004.

  
Governor

PRESENTED TO THE  
GOVERNOR

DATE 3-25-04

TIME 3:30pm