

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2626**

4  
5 (By Delegates Brown, D. Poling, Fleischauer and Talbott)

6 (Originating in the Committee on the Judiciary)

7  
8 [February 14, 2011]

9  
10 A BILL to amend and reenact article 10, chapter 64 of the code of  
11 West Virginia, 1931, as amended, all relating generally to the  
12 promulgation of administrative rules by the Department of  
13 Commerce; legislative mandate or authorization for the  
14 promulgation of certain legislative rules by various executive  
15 or administrative agencies of the state; authorizing certain  
16 of the agencies to promulgate certain legislative rules in the  
17 form that the rules were filed in the State Register;  
18 authorizing certain of the agencies to promulgate certain  
19 legislative rules with various modifications presented to and  
20 recommended by the Legislative Rule-Making Review Committee;  
21 authorizing certain of the agencies to promulgate certain  
22 legislative rules as amended by the Legislature; authorizing  
23 certain of the agencies to promulgate certain legislative  
24 rules with various modifications presented to and recommended  
25 by the Legislative Rule-Making Review Committee and as amended

1 by the Legislature; authorizing the Workforce West Virginia  
2 to promulgate a legislative rule related to the employer  
3 violator system, (96 CSR 3); authorizing the Division of  
4 Natural Resources to promulgate legislative rules relating to  
5 special motorboating regulations, (58 CSR 27), prohibitions  
6 when hunting and trapping, (58 CSR 47), and general hunting,  
7 (58 CSR 49); authorizing the Division of Labor to promulgate  
8 legislative rules relating to the Elevator Safety Act, (42 CSR  
9 21), supervision of elevator mechanics and apprentices, (42  
10 CSR 21A), the Crane Operator Certification Act, (42 CSR 24),  
11 and the Crane Operator Certification Act - practical  
12 examination, (42 CSR 25).

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

14 That article 10, chapter 64 of the code of West Virginia,  
15 1931, as amended, be amended and reenacted to read as follows:

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

18 **§64-10-1. Workforce West Virginia.**

19 The legislative rule filed in the state register on the  
20 twenty-fourth day of September, two thousand nine, authorized under  
21 the authority of section four, article one, chapter twenty-one-a,  
22 of this code, modified by Workforce West Virginia to meet the  
23 objections of the Legislative Rule-Making Review Committee and  
24 refiled in the State Register on the eighteenth day of October, two

1 thousand ten, relating to Workforce West Virginia (employer  
2 violator system, 96 CSR 3), is authorized.

3 **§64-10-2. Division of Natural Resources.**

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

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

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

22 **§64-10-3. Division of Labor.**

23 (a) The legislative rule filed in the state register on the  
24 thirtieth day of July, two thousand ten, authorized under the

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

7 (b) The legislative rule filed in the state register on the  
8 thirtieth day of July, two thousand ten, authorized under the  
9 authority of section eleven, article three-c, chapter twenty-one,  
10 of this code, modified by the Division of Labor to meet the  
11 objections of the Legislative Rule-Making Review Committee and  
12 refiled in the state register on the twenty-third day of September,  
13 two thousand ten, relating to the Division of Labor (supervision of  
14 elevator mechanics and apprentices, 42 CSR 21A), is authorized.

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

24 On page five, subdivision 5.5(a) after the words "as required

1 by", by striking the words "paragraph 4.5.1(f)" and inserting in  
2 lieu thereof the words "subdivision 5.1(f)".

3 (d) The legislative rule filed in the state register on the  
4 twenty-third day of July, two thousand ten, authorized under the  
5 authority of section three, article three-d, chapter twenty-one, of  
6 this code, modified by the Division of Labor to meet the objections  
7 of the Legislative Rule-Making Review Committee and refiled in the  
8 state register on the twenty-third day of September, two thousand  
9 ten, relating to the Division of Labor (Crane Operator  
10 Certification Act - practical examination, 42 CSR 25), is  
11 authorized.