

FILED

2015 APR -2 P 12: 39

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-SECOND LEGISLATURE**

OFFICE OF THE VIRGINIA  
SECRETARY OF STATE

**REGULAR SESSION, 2015**



**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**Senate Bill No. 170**

**(SENATOR SNYDER, ORIGINAL SPONSOR)**

**[PASSED MARCH 14, 2015; IN EFFECT FROM PASSAGE.]**

SB170

FILED

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ENROLLED  
COMMITTEE SUBSTITUTE

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

FOR

## Senate Bill No. 170

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

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[Passed March 14, 2015; in effect from passage.]

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AN ACT 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 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; 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 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 COMMERCE  
TO PROMULGATE LEGISLATIVE RULES.**

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

1       The legislative rule filed in the State Register on July 29,  
2 2014, authorized under the authority of section three, article  
3 four, chapter twenty-two-a of this code, modified by the  
4 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.

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

1       (a) The legislative rule filed in the State Register on July  
2 30, 2014, authorized under the authority of section seven,  
3 article one, chapter twenty of this code, relating to the  
4 Division of Natural Resources (defining the terms used in all  
5 hunting and trapping rules, 58 CSR 46), is authorized.

6       (b) The legislative rule filed in the State Register on July  
7 30, 2014, authorized under the authority of section forty-two,  
8 article two, chapter twenty of this code, relating to the  
9 Division of Natural Resources (hunting, trapping and fishing  
10 license and stamp fees, 58 CSR 71), is not authorized.

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

19       (d) The legislative rule filed in the State Register on July  
20 30, 2014, authorized under the authority of section seven,  
21 article two-b, chapter twenty of this code, relating to the

22 Division of Natural Resources (lifetime hunting, trapping and  
23 fishing licenses, 58 CSR 67), is not authorized.

24 (e) The legislative rule filed in the State Register on July  
25 30, 2014, authorized under the authority of section seven,  
26 article two, chapter twenty of this code, modified by the  
27 Division of Natural Resources to meet the objections of the  
28 Legislative Rule-Making Review Committee and refiled in  
29 the State Register on September 29, 2014, relating to the  
30 Division of Natural Resources (wildlife damage control  
31 agents, 58 CSR 41), is authorized.

32 (f) The legislative rule filed in the State Register on July  
33 30, 2014, authorized under the authority of section seven,  
34 article one, chapter twenty of this code, relating to the  
35 Division of Natural Resources (special boating, 58 CSR 26),  
36 is authorized.

37 (g) The legislative rule filed in the State Register on  
38 August 1, 2014, authorized under the authority of section  
39 twenty-three-a, article two, chapter twenty of this code,  
40 modified by the Division of Natural Resources to meet the  
41 objections of the Legislative Rule-Making Review  
42 Committee and refiled in the State Register on November 21,  
43 2014, relating to the Division of Natural Resources  
44 (commercial whitewater outfitters, 58 CSR 12), is authorized.

**§64-10-3. Division of Labor.**

1 (a) The legislative rule filed in the State Register on July  
2 30, 2014, authorized under the authority of section three,  
3 article ten, chapter twenty-one of this code, modified by the  
4 Division of Labor to meet the objections of the Legislative  
5 Rule-Making Review Committee and refiled in the State  
6 Register on December 2, 2014, relating to the Division of  
7 Labor (Amusement Rides and Amusement Attractions Safety

5

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8 Act, 42 CSR 17), is authorized with the amendments set forth  
9 below:

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

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

14 And,

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

17 “:Provided, That a three phase four wire system that is  
18 grounded at the power source and constructed in accordance  
19 with the NFPA 70, 2014 National Electrical Code, Article 522  
20 and Article 525 is approved for any area of the state where a  
21 three phase five wire system is unavailable.”

22 (b) The legislative rule filed in the State Register on July  
23 30, 2014, authorized under the authority of section eleven,  
24 article six, chapter twenty-one of this code, modified by the  
25 Division of Labor to meet the objections of the Legislative  
26 Rule-Making Review Committee and refiled in the State  
27 Register on December 2, 2014, relating to the Division of  
28 Labor (child labor, 42 CSR 9), is authorized.

29 (c) The legislative rule filed in the State Register on July  
30 30, 2014, authorized under the authority of section four,  
31 article fourteen, chapter twenty-one of this code, modified by  
32 the Division of Labor to meet the objections of the  
33 Legislative Rule-Making Review Committee and refiled in  
34 the State Register on December 2, 2014, relating to the  
35 Division of Labor (supervision of plumbing work, 42 CSR  
36 32), is authorized.

37 (d) The legislative rule filed in the State Register on July  
38 30, 2014, authorized under the authority of section three,  
39 article one-b, chapter twenty-one of this code, modified by  
40 the Division of Labor to meet the objections of the  
41 Legislative Rule-Making Review Committee and refiled in  
42 the State Register on December 29, 2014, relating to the  
43 Division of Labor (Verifying the Legal Employment Status  
44 of Workers, 42 CSR 31), is authorized with the amendments  
45 set forth below:

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

48 And

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

51 (e) The legislative rule filed in the State Register on July  
52 30, 2014, authorized under the authority of section five,  
53 article sixteen, chapter twenty-one of this code, modified by  
54 the Division of Labor to meet the objections of the  
55 Legislative Rule-Making Review Committee and refiled in  
56 the State Register on December 2, 2014, relating to the  
57 Division of Labor (regulation of heating, venting and cooling  
58 work, 42 CSR 34), is authorized with the following  
59 amendments:

60 ‘On page 2, subsection 3.6. by striking all of subsection  
61 3.6.;

62 And,

63 On page 2, subsection 6.2., after the word  
64 “Commissioner”, by striking the word “may” and inserting in  
65 lieu thereof the word “shall”;

66 And,

67 On page 2, subdivision 6.2.3.a by inserting a period after  
68 the word, “program” and striking the remainder of the  
69 sentence and subdivision 6.2.3.b;

70 On page 4, subsection 10.3., after the word “rule” by  
71 inserting the following: “that are applicable to the duties and  
72 knowledge required by an HVAC technician for the  
73 installation, repair and maintenance of HVAC”;

74 And,

75 On page 5, section 11, by striking all of subsections 11.4.  
76 and 11.5.;

77 And,

78 On page 6, subsection 13.1., after the word “license” by  
79 inserting the following:

80 “: *Provided*, That no fee may be charged for an HVAC  
81 technician license for a person who holds an HVAC  
82 contractor’s license pursuant to article eleven, chapter  
83 twenty-one of the W. Va. Code.”.

84 (f) The legislative rule filed in the State Register on July  
85 30, 2014, authorized under the authority of section three,  
86 article one, chapter forty-seven of this code, modified by the  
87 Division of Labor to meet the objections of the Legislative  
88 Rule-Making Review Committee and refiled in the State  
89 Register on December 2, 2014, relating to the Division of  
90 Labor (weights and measures calibration fees, 42 CSR 26), is  
91 authorized with the amendment set forth below:



92        On page five, Appendix A, column one, by striking out  
93        “Prover - from 5 to 49 gallons” and inserting in lieu thereof  
94        “Prover - from 6 to 49 gallons”.

**§64-10-4. Division of Forestry.**

1        The legislative rule filed in the State Register on August  
2        1, 2014, authorized under the authority of section three-a,  
3        article one-a, chapter nineteen of this code, modified by the  
4        Division of Forestry to meet the objections of the Legislative  
5        Rule-Making Review Committee and refiled in the State  
6        Register on September 18, 2014, relating to the Division of  
7        Forestry (ginseng, 22 CSR 1), is authorized with the  
8        amendments set forth below:

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

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

14       And,

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

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

*Mark R. Meyer*  
.....  
Chairman Senate Committee

*De B. Hill*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Clark A. Barnes*  
.....  
Clerk of the Senate

*Stephen J. Harris*  
.....  
Clerk of the House of Delegates

*Will P. Holton*  
.....  
President of the Senate

*Robert P. Bell*  
.....  
Speaker of the House of Delegates

The within *was passed* ..... this the *2nd*  
Day of *April* ....., 2015.

*Carl Roy Sandele*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2015

Time 4:05 PM