

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 230

BY SENATOR MAYNARD

[Originating in the Committee on the Judiciary;

reported on February 2, 2018]

1 A BILL to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West
2 Virginia, 1931, as amended, relating generally to the Department of Commerce;
3 authorizing certain agencies to promulgate rules as filed, modified, and amended by the
4 Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate
5 a legislative rule relating to controlling the public land corporation's sale, lease, exchange,
6 or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate
7 a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing
8 the Division of Natural Resources to promulgate a legislative rule relating to general
9 hunting; authorizing the Division of Natural Resources to promulgate a legislative rule
10 relating to special migratory game bird hunting; authorizing the Division of Natural
11 Resources to promulgate a legislative rule relating to miscellaneous permits and licenses;
12 authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and
13 Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a
14 legislative rule relating to bedding and upholstered furniture; authorizing the Division of
15 Labor to promulgate a legislative rule relating to Amusement Rides and Amusement
16 Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule
17 relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative
18 rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a
19 legislative rule relating to registration of service persons and service agencies; authorizing
20 the Division of Labor to promulgate a legislative rule relating to registration of weighing
21 and measuring devices used by businesses in commercial transactions; authorizing the
22 Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to
23 operating diesel equipment in underground mines in West Virginia; and repealing the
24 Division of Energy legislative rule relating to community development assessment and
25 real property valuation procedures for Office of Coalfield Community Development.

Be it enacted by the Legislature of West Virginia:

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

§64-10-1. Division of Natural Resources.

1 (a) The legislative rule filed in the State Register on July 28, 2017, authorized under the
2 authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the
3 public land corporation's sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is
4 authorized.

5 (b) The legislative rule filed in the State Register on July 28, 2017, authorized under the
6 authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the
7 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
8 December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other
9 outfitters and guides, 58 CSR 11), is authorized.

10 (c) The legislative rule filed in the State Register on July 28, 2017, authorized under the
11 authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting,
12 58 CSR 49), is authorized.

13 (d) The legislative rule filed in the State Register on July 28, 2017, authorized under the
14 authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory
15 game bird hunting, 58 CSR 56), is authorized.

16 (e) The legislative rule filed in the State Register on July 28, 2017, authorized under the
17 authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous
18 permits and licenses, 58 CSR 64), is authorized.

§64-10-2. Division of Labor.

19 (a) The legislative rule filed in the State Register on July 27, 2017, authorized under the
20 authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour
21 Responsibility Act, 42 CSR 10), is authorized.

22 (b) The legislative rule filed in the State Register on July 27, 2017, authorized under the
23 authority of §47-1A-15 of this code, relating to the Division of Labor (bedding and upholstered
24 furniture, 42 CSR 12), is authorized.

25 (c) The legislative rule filed in the State Register on July 27, 2017, authorized under the
26 authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and
27 Amusement Attractions Safety Act, 42 CSR 17), is authorized.

28 (d) The legislative rule filed in the State Register on July 27, 2017, authorized under the
29 authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR
30 21), is authorized, with the amendments set forth below:

31 On page 5, subsection 8 to read as follows:

32 ~~7.3.a.~~ 8.1. The fee for ~~the~~ an inspection of ~~each~~ an elevator by ~~the~~ a Division inspector is
33 shall be \$100.00.

34 ~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is
35 \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

36 ~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of
37 operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for
38 the first follow-up inspection.

39 ~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or
40 operator's failure to make the required repairs or changes, the Division's inspection fees shall be
41 ~~charged at the same rates as set forth in subdivisions~~ subsections ~~7.3.a. 8.1 and 7.3.b. 8.2~~ of this
42 rule for each subsequent follow-up inspection.

43 ~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is
44 ~~sufficient grounds for the Division~~ Commissioner shall ~~to~~ withhold the issuance of a certificate of
45 operation until the fee is paid.

46 (e) The legislative rule filed in the State Register on July 27, 2017, authorized under the
47 authority of §21-5-13 of this code, relating to the Division of Labor (employer wage bonds, 42
48 CSR 33), is authorized.

49 (f) The legislative rule filed in the State Register on July 27, 2017, authorized under the
50 authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons
51 and service agencies, 42 CSR 35), is authorized.

52 (g) The legislative rule filed in the State Register on July 27, 2017, authorized under the
53 authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the
54 Legislative Rule-Making Review Committee and refiled in the State Register on December 8,
55 2017, relating to the Division of Labor (registration of weighing and measuring devices used by
56 businesses in commercial transactions, 42 CSR 36), is authorized.

§64-10-3. Office of Miners' Health, Safety and Training.

57 The legislative rule filed in the State Register on July 27, 2017, authorized under the
58 authority of §22A-2A-308 of this code, relating to the Office of Miners' Health, Safety and Training
59 (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

§64-10-4. Division of Energy.

61 The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12
62 of this code, relating to the Division of Energy (community development assessment and real
63 property valuation procedures for office of coalfield community development, 207 CSR 1), is
64 repealed.