

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 409

BY Senator Woodrum

[Passed March 10, 2023; in effect from passage]

1 AN ACT to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Commerce to
3 promulgate legislative rules; authorizing the rules as filed, as modified, as modified and
4 amended, and as amended by the Legislative Rule-Making Review Committee and as
5 amended by Legislature; relating to authorizing the West Virginia Department of Economic
6 Development to promulgate a legislative rule relating to the Small Business Innovation
7 Research and Small Business Technology Transfer Matching Funds Program; relating to
8 authorizing the Division of Labor to promulgate a legislative rule relating to the West
9 Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing
10 the Division of Labor to promulgate a legislative rule relating to supervision of plumbing
11 work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to
12 regulation of heating, ventilating, and cooling work; relating to authorizing the Division of
13 Labor to promulgate a legislative rule relating to registration of service persons and service
14 agencies; relating to authorizing the Division of Labor to promulgate a legislative rule
15 relating to registration of weighing and measuring devices used by businesses in
16 commercial transactions; relating to authorizing the Division of Natural Resources to
17 promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides;
18 relating to authorizing the Division of Natural Resources to promulgate a legislative rule
19 relating to commercial whitewater outfitters; relating to authorizing the Division of Natural
20 Resources to promulgate a legislative rule relating to special motorboating regulations;
21 and relating to authorizing the Division of Natural Resources to promulgate a legislative
22 rule relating to miscellaneous permits and licenses.

Be it enacted by the Legislature of West Virginia:

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

§64-10-1. West Virginia Department of Economic Development.

1 The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §5B-8-2 of this code, modified by the West Virginia Department of Economic
3 Development to meet the objections of the Legislative Rule-Making Review Committee and refiled
4 in the State Register on November 1, 2022, relating to the West Virginia Department of Economic
5 Development (Small Business Innovation Research and Small Business Technology Transfer
6 Matching Funds Program, 145 CSR 15), is authorized with the amendments set forth below:

7 On page 1, by striking out all of subsection 2.1. and inserting lieu thereof of a new
8 subsection 2.1. to read as follows:

9 "2.1. The West Virginia Small Business Innovation Research and Small Business
10 Technology Transfer Matching Funds Program is established. It shall be administered by the
11 Department of Economic Development. The purpose of this matching funds program is to foster
12 job creation and economic development in the state. The Department of Economic Development
13 may provide grants to eligible small businesses to prepare a competitive Phase I proposal, or
14 match funds they receive from Small Business Innovation Research or Small Business
15 Technology Transfer Phase I and Phase II awards. The Department of Economic Development will
16 pay the grants from the fund known as the "Entrepreneurship and Innovation Investment Fund"
17 created pursuant to W.Va. Code §5B-2-16.";

18 And,

19 On page 1, subsection 3.1. by striking out the words "West Virginia Department of
20 Commerce" and inserting in lieu thereof the words "West Virginia Department of Economic
21 Development".

§64-10-2. Division of Labor.

1 (a)The legislative rule filed in the State Register on July 26, 2022, authorized under
2 the authority of §21-9-4 of this code, modified by the Division of Labor to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in the State Register on September 15,

4 2022, relating to the Division of Labor (West Virginia Board of Manufactured Housing
5 Construction and Safety, 42 CSR 19), is authorized.

6 (b)The legislative rule filed in the State Register on July 29, 2022, authorized under
7 the authority of §21-14-4 of this code, relating to the Division of Labor (supervision of plumbing
8 work, 42 CSR 32), is authorized.

9 (c)The legislative rule filed in the State Register on July 29, 2022, authorized under
10 the authority of §21-16-5 of this code, modified by the Division of Labor to meet the objections of
11 the Legislative Rule-Making Review Committee and refiled in the State Register on September 15,
12 2022, relating to the Division of Labor (regulation of heating, ventilating, and cooling work, 42 CSR
13 34), is authorized with the amendment set forth below:

14 On page 10, section 13.2., by striking out the word "plumbing" and inserting in lieu
15 thereof the word "HVAC".

16 (d)The legislative rule filed in the State Register on November 30, 2021, authorized
17 under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections
18 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
19 15, 2022, relating to the Division of Labor (registration of service persons and service agencies, 42
20 CSR 35), is authorized.

21 (e)The legislative rule filed in the State Register on November 30, 2021, authorized
22 under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections
23 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
24 15, 2022, relating to the Division of Labor (registration of weighing and measuring devices used by
25 businesses in commercial transactions, 42 CSR 36), is authorized.

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

1 (a) The legislative rule filed in the State Register on November 30, 2021, authorized
2 under the authority of §20-7-7 of this code, modified by the Division of Natural Resources to meet
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register

4 on September 29, 2022, relating to the Division of Natural Resources (hunting, fishing, and other
5 outfitters and guides, 58 CSR 11), is authorized with the amendment set forth below:

6 On page 4, by striking out all of sections 7.1., 7.2., 7.3., and 7.4. and inserting in lieu
7 thereof a new section 7.1. to read as follows:

8 "7.1. The Division may refer violations of the provisions of this rule to the appropriate
9 law enforcement or prosecutor's office for criminal prosecution."

10 (b)The legislative rule filed in the State Register on July 29, 2022, authorized under
11 the authority of §20-2-23a of this code, relating to the Division of Natural Resources (commercial
12 whitewater outfitters, 58 CSR 12), is authorized with the amendment set forth below:

13 On page 18, section 15.1., by striking out all of section 15.1. and inserting in lieu
14 thereof a new section 15.1. to read as follows:

15 "15.1. The Division may refer violations of the provisions of this rule to the appropriate
16 law enforcement or prosecutor's office for criminal prosecution."

17 (c)The legislative rule filed in the State Register on July 29, 2022, authorized under
18 the authority of §20-7-22 of this code, relating to the Division of Natural Resources (special
19 motorboating regulations, 58 CSR 27), is authorized.

20 (d)The legislative rule filed in the State Register on November 30, 2021, authorized
21 under the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet
22 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
23 on September 29, 2022, relating to the Division of Natural Resources (miscellaneous permits and
24 licenses, 58 CSR 64), is authorized with the amendments set forth below:

25 On page 19, by striking out all of sections 8.1. and 8.2. in their entirety and inserting in lieu
26 thereof a new section 8.1. to read as follows:

27 "8.1. The Division may refer violations of the provisions of this rule to the appropriate law
28 enforcement or prosecutor's office for criminal prosecution."