

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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2008 JUL 17 PM 1:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Division of Labor TITLE NUMBER: 42

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code 47-1-3 (c)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 16

TITLE OF RULE BEING AMENDED: Standards for Weights and Measures Inspectors Adoption of NBS Handbook 130,
1987 Edition

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 18, 2008 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Division of Labor

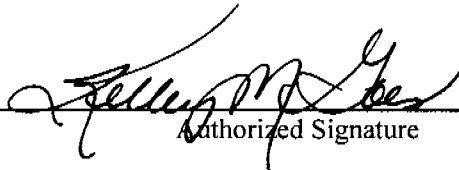
State Capitol Complex

Building 6, Room B-749

Charleston, WV 25305

Attention: Commissioner David W. Mullins

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF PROPOSED RULE CHANGES

The purpose of the changes in the proposed rule are to reflect the change of the name of the National Bureau of Standards (“NBS”) to the National Conference on Weights and Measures (“NCWM”), and to cite the correct statutory authority.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Standards for Weights and Measures Inspectors Adoption of NBS Handbook 130

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Division of Labor

Address: State Capitol Complex
Building 6, Room B-749
Charleston, WV 25305

Phone Number: (304) 558-7890 Email: david.w.mullins@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed amendments to this rule will have no fiscal impact on the Division of Labor.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Standards for Weights and Measures Inspectors Adoption of NBS Handbook 130

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 7-15-08

Signature of Agency Head or Authorized Representative

David W. Mullis

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 42
LEGISLATIVE RULE
DIVISION OF LABOR

SERIES 16

STANDARDS FOR WEIGHTS AND MEASURES INSPECTORS
ADOPTION OF NBS NATIONAL CONFERENCE OF WEIGHTS AND MEASURES (NCWM)
HANDBOOK 130, 1987, Edition

§42-16-1. General.

1.1. Scope. -- The National Bureau of Standards (NBS) now known as the National Conference of Weights and Measures (NCWM) Handbook 130, 1987 Edition, and supplements thereto and revisions thereof adopts Uniform Laws and Regulations to achieve, to the maximum extent possible, standardization in weights and measures laws and regulations among the various States and local jurisdictions in order to facilitate trade between the States, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in weights and measures issues.

1.2. Authority. -- W. Va. Code ~~47-1-19~~ §47-1-3(c)

1.3. Filing Date. -- ~~April 1, 1988.~~

1.4. Effective Date. -- ~~April 1, 1988.~~

§42-16-2. Incorporation By Reference.

The National Bureau of Standards) now known as the National Conference of Weights and Measures (NCWM) Handbook 130, 1987 Edition, and supplements thereto and revisions thereof, is hereby incorporated by reference as the legislative rule governing inspectors and county and city sealers in the performance of their duties in accordance with W. Va. Code 47-1-19.