

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

Form #3

Do Not Mark In This Box

FILED

2008 AUG 26 AM 11:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Division of Labor TITLE NUMBER: 42

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: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 26, 2008

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* West Virginia Division of Labor
State Capitol Complex
Building 6, Room B-749
Charleston, WV 25305

LEGISLATIVE RULE TITLE: _____
Standards for Weights and Measures Inspectors Adoption of
NBS Handbook 130, 1987 Edition

1. Authorizing statute(s) citation W. Va. Code 47-1-3 (c)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 17, 2008

b. What other notice, including advertising, did you give of the hearing?
Public comment period only.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
August 18, 2008

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received x

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 26, 2008

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

David W. Mullins, Commissioner phone: 304.558.7890 x 111

West Virginia Division of Labor fax: 304.558.2273

State Capitol Complex email: david.w.mullins@wv.gov

Building 6, Room B-749
Charleston, WV 25305

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

John Junkins, Director phone: 304.722.0602

Weights and Measures Section fax: 304.722.0605

West Virginia Division of Labor email: john.j.junkins@wv.gov

570 MacCorkle Avenue
St. Albans, WV 25177

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

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.

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. Mullins

TITLE 42
LEGISLATIVE RULE
DIVISION OF LABOR

FILED

2008 AUG 28 AM 9: 12

SERIES 16
STANDARDS FOR WEIGHTS AND MEASURES INSPECTORS
ADOPTION OF ~~NBS HANDBOOK 130, 1987~~ NATIONAL CONFERENCE
OF WEIGHTS AND MEASURES (NCWM) HANDBOOK 130

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§42-16-1. General.

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