

WEST VIRGINIA DIVISION OF LABOR

749-B Building 6 , Capitol Complex • Charleston, West Virginia 25305

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www.wvlabor.org

EARL RAY TOMBLIN
Governor



JOHN R. JUNKINS
Acting Commissioner

August 29, 2014

The Honorable Natalie E. Tennant
West Virginia Secretary of State
State Capitol Complex
Bldg. 1, Suite 157-K
1900 Kanawha Boulevard East
Charleston, WV 25305

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2014 AUG 29 A 11:05

FILED

Re: Proposed Amendments to Legislative Rule, Title 42, Series 26
Weights and Measures Calibration Fees

Dear Madam Secretary:

Yesterday we discovered that the wrong "Statement of Facts and Circumstances and Summary of Proposed Amendments to Title 42, Series 26" was inadvertently included with the above referenced rule when it was filed on July 30, 2014.

I apologize for any confusion that the wrong document may have caused.

Attached please find the correct document, to be filed with the proposed rule. Thank you for your kind attention to this request.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mitch Woodrum".

Mitch Woodrum
Acting Deputy Commissioner

attachment

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Statement of Facts and Circumstances

and

Summary of Proposed Amendments to Title 42, Series 26

Weights and Measures Calibration Fees

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The Division of Labor Measurement Laboratory maintains the weights and measures standards that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the National Institute of Standards and Technology. The Lab is responsible for testing, calibrating, and issuing Certificates of Conformance for all measurement standards used by business, industry, and law enforcement in West Virginia to ensure that commercial transactions are accurate and to protect consumers from unfair or deceptive practices.

Pursuant to W. Va. Code §47-1-20, the Lab must be certified and approved by the National Institute of Standards and Technology, and it is authorized to assess fees for its operation. The current lab fees have been in effect since 2005, generating approximately \$30,000.00 per year. Due to the substantial costs involved in maintaining the Lab's aging physical plant, replacing aging equipment, and staffing, the Division of Labor is proposing an increase in fees, as shown on Appendix A of the proposed rule.

The proposed increase in fees will help ensure the long-term viability of the Lab while at the same time have a minimal impact on the Lab's customer base. In fact, knowing the financial challenges faced by the Lab and understanding what the potential increase in costs could be if businesses had to take their standards out of state to be calibrated and certified, many of these customers have expressed their support for the proposed increase in fees.

The Division of Labor also proposes the following amendments and revisions to Title 42, Series 26, of the West Virginia Code of State Regulations:

- Several definitions have been added to clarify the meaning of terms used in the proposed rule and appendix A;
- An explanation of certain charges have been added to the rule that previously were included in appendix A; and
- An explanation for when a Certificate of Conformance is issued.

