



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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November 17, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Andrew Brown
Contractor Licensing Board
Capitol Complex
Building 6, Room B-709

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **West Virginia Contractor Licensing Act, 28CSR2**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Contractor Licensing Board

Subject: West Virginia Contractor Licensing Act, 28CSR2

PERTINENT DATES

Filed for public comment: June 7, 2002

Public comment period ended: July 8, 2002

Filed following public comment period: July 9, 2002

Filed LRMRC: July 9, 2002

Filed as emergency:

Fiscal Impact: None

SECRETARY OF STATE
WEST VIRGINIA

2002 AUG 15 A 10:04

FILED

ABSTRACT

The proposed rule amends a current legislative rule, based on Senate Bill No. 429, which passed during the 2002 Regular Session. It removes obsolete language regarding licensure without examination. It authorizes the Board to require assurance of financial responsibility as a condition of licensure in certain cases; sets forth the statutory penalties for engaging in contracting business without a valid license after the service of a cease and desist order; and requires the Board to hear an appeal within 30 rather than 15 days.

AUTHORITY

Statutory authority: W.Va. Code, §21-11-16, which provides as follows:

The board may adopt rules and regulations as are necessary to carry out the provisions of this article pursuant to the provisions of

chapter twenty-nine-a of this code. The board may disseminate educational or any other material designed to improve performance standards of any contractor group to contractors within the state. The board may adopt, and use, a seal with the words "state contractor licensing board of West Virginia".

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.