

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4067**

4 (Delegates Poore, Marcum, Fleischauer, Frich, and Eldridge)

5 (Originating in the Committee on the Judiciary)

6
7
8 [February 14, 2014]
9

10 A BILL to amend and reenact article 6, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the Department of
13 Military Affairs and Public Safety and the procedures relating
14 thereto; legislative mandate or authorization for the
15 promulgation of certain legislative rules by various executive
16 or administrative agencies of the Department of Military
17 Affairs and Public Safety; authorizing certain of the agencies
18 to promulgate certain legislative rules in the form that the
19 rules were filed in the State Register; authorizing certain of
20 the agencies to promulgate certain legislative rules with
21 various modifications presented to and recommended by the
22 Legislative Rule-Making Review Committee; authorizing certain
23 of the agencies to promulgate certain legislative rules as
24 amended by the Legislature; authorizing certain of the

1 agencies to promulgate certain legislative rules with various
2 modifications presented to and recommended by the Legislative
3 Rule-Making Review Committee and as amended by the
4 Legislature; authorizing the State Fire Marshal to promulgate
5 a legislative rule relating to certification of electrical
6 inspectors; authorizing the Fire Commission to promulgate a
7 legislative rule relating to the State Fire Code;
8 authorizing the Fire Commission to promulgate a legislative
9 rule relating to certification of home inspectors;
10 authorizing the Regional Jail and Correctional Facility
11 Authority to promulgate a legislative rule relating to
12 criteria and procedures for determination of projected cost
13 per day for inmates incarcerated in regional jails operated by
14 the Authority; and authorizing the Governor's Committee on
15 Crime, Delinquency and Correction to promulgate a legislative
16 rule relating to law enforcement training and certification
17 standards.

18 *Be it enacted by the Legislature of West Virginia:*

19 That article 6, chapter 64 of the Code of West Virginia, 1931,
20 as amended, be amended and reenacted to read as follows:

21 **ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND**
22 **PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.**

23 **§64-6-1. State Fire Marshal.**

1 The legislative rule filed in the State Register on July 25,
2 2013, authorized under the authority of section four, article
3 three-c, chapter twenty-nine of this code, modified by the State
4 Fire Marshal to meet the objections of the Legislative Rule-making
5 Review Committee and refiled in the State Register on December 3,
6 2013, relating to the State Fire Marshal (certification of
7 electrical inspectors, [103 CSR 1](#)), is authorized.

8 **§64-6-2. Fire Commission.**

9 (a) The legislative rule filed in the State Register on June
10 19, 2013, authorized under the authority of section five, article
11 three, chapter twenty-nine of this code, modified by the Fire
12 Commission to meet the objections of the Legislative Rule-making
13 Review Committee and refiled in the State Register on December 3,
14 2013, relating to the Fire Commission (State Fire Code, [87 CSR 1](#)),
15 is authorized, with the following amendment:

16 On page 1, subparagraph 2.1.a.1.A., in the first sentence,
17 after the words "is subject to this" by striking out the word
18 "section" and inserting in lieu thereof the word "paragraph";

19 On page 1, subparagraph 2.1.a.1.A., in the third sentence,
20 after the words "exempted from the provisions of this" by striking
21 out the word "section" and inserting in lieu thereof the word
22 "paragraph";

23 On page 2, subparagraph 2.1.a.1.C., in the first sentence,

1 after the words "as defined in" by striking out the word
2 "subsections" and inserting in lieu thereof the word
3 "subparagraphs";

4 On page 2, subparagraph 2.1.a.1.E., in the first sentence,
5 after the words "in accordance with" by striking out the word
6 "Subsection" and inserting in lieu thereof the word "subparagraph";

7 On page 2, subparagraph 2.1.a.1.F., in the first sentence,
8 after the words "as defined in" by striking out the word
9 "subsections" and inserting in lieu thereof the word
10 "subparagraphs";

11 On page 2, subparagraph 2.1.a.1.G., in the first sentence,
12 after the words "in accordance with" by striking out the word
13 "subsection" and inserting in lieu thereof the word "subparagraph";

14 On page 3, subparagraph 2.1.a.1.H., after the words "as
15 defined in" by striking out the word "Subsections" and inserting in
16 lieu thereof the word "subparagraphs";

17 On page 3, paragraph 2.2.a.1., by striking out said paragraph
18 2.2.a.1. and inserting in lieu thereof a new paragraph 2.2.a.1 to
19 read as follows:

20 "All residential occupancies, except one or two family
21 dwelling, shall prominently display signage stating whether the
22 building contains an approved automatic sprinkler and whether the
23 windows are capable of being opened or broken in an emergency.";

1 On page 5, subsection (5) under Notes to Table 2.2.a., after
2 the words "40 feet in height as measured per" by striking out the
3 word "Section" and inserting in lieu thereof the word
4 "subparagraph";

5 On page 7, subparagraph 2.2.d.3.E., after the words "from the
6 requirements of this" by striking out the word "subsection" and
7 inserting in lieu thereof the word "paragraph";

8 On page 10, paragraph 2.2.i.5., after the words "comply with
9 the residential requirements of" by striking out the words
10 "subsection 11.6 of this section" and inserting in lieu thereof the
11 words "subdivision 2.2.j. of this subsection";

12 On page 11, subparagraph 2.2.n.2.A., in the second sentence,
13 after the word "This" by striking out the word "division" and
14 inserting in lieu thereof the word "subparagraph";

15 On page 12, part 2.2.n.2.I.1., after the words "meet the
16 requirements of" by striking out the words "Subsections 11.1 and
17 11.6" and inserting in lieu thereof the words "paragraph 2.2.d.1.
18 and subdivision 2.2.j.";

19 On page 12, subparagraph 2.2.n.2.N., after the words "meet the
20 requirements of" by striking out the words "section 7 of this Rule
21 of Residential Occupancies" and inserting in lieu thereof the words
22 "subdivision 2.2.c. of this rule";

23 On page 13, subparagraph 2.2.o.2.A., at the end of the third

1 sentence, after the words "pyrotechnics display as provided in
2 this" by striking out the word "section" and inserting in lieu
3 thereof the word "subdivision";

4 On page 13, subparagraph 2.2.o.2.A., in the fourth sentence,
5 after the words "paid by the provisions of this" by striking out
6 the word "section" and inserting in lieu thereof the word
7 "subdivision";

8 On page 13, subparagraph 2.2.o.2.A., in the last sentence,
9 after the words "permit granted under this" by striking out the
10 word "subsection" and inserting in lieu thereof the word
11 "subdivision";

12 On page 14, paragraph 2.2.p.1., after the words "For the
13 purposes of this" by striking out the word "subsection" and
14 inserting in lieu thereof the word "subdivision";

15 On page 17, subparagraph 2.2.q.6.D., after the words "dwelling
16 or building listed in" by striking out the word "subsection" and
17 inserting in lieu thereof the word "subparagraph";

18 On page 17, subparagraph 2.2.q.6.E., in the first sentence,
19 after the words "dwelling or building listed in" by striking out
20 the word "subsection" and inserting in lieu thereof the word
21 "subparagraph" and after the words "ground vibration and airblast
22 limits listed in" by striking out the word "subsection" and
23 inserting in lieu thereof the word "subparagraph";

1 On page 18, subparagraph 2.2.q.6.F., in the first sentence,
2 after the words "For structures not listed in" by striking out the
3 word "subsection" and inserting in lieu thereof the word
4 "subparagraph" and in the second sentence, after the words
5 "dwelling or building listed in" by striking out the word
6 "subsection" and inserting in lieu thereof the word "subparagraph";

7 On page 20, subparagraph 2.2.w.2.E., by striking out the
8 subparagraph designation "2.2.w.2.E." and inserting in lieu thereof
9 the subparagraph designation "2.2.u.2.E.";

10 On page 21, subparagraph 2.2.u.2.O., in the proviso, after the
11 words "for the purposes of this" by striking out the word
12 "subsection" and inserting in lieu thereof the word "subparagraph";

13 On page 21, subparagraph 2.2.u.2.T., after the words "if
14 required by" by striking out the word "subsection" and inserting in
15 lieu thereof the word "subparagraph";

16 On page 22, section 5, at the end of the section, after the
17 words "an appeal to the State Fire Commission as outlined in" by
18 striking out the words "section 13" and inserting in lieu thereof
19 the words "section 17";

20 And,

21 On page 26, section 16, by striking out said section 16 in its
22 entirety and inserting in lieu thereof the words "The owner or
23 occupant of a new building, or a building that has had 50% or more

1 of the space renovated or reconstructed, shall obtain a certificate
2 of occupancy before the building is occupied or used for its
3 intended purpose.”.

4 (b) The legislative rule filed in the State Register on June
5 19, 2013, authorized under the authority of section five-b, article
6 three, chapter twenty-nine of this code, modified by the Fire
7 Commission to meet the objections of the Legislative Rule-making
8 Review Committee and refiled in the State Register on December 3,
9 2013, relating to the Fire Commission (certification of home
10 inspectors, [87 CSR 5](#)), is authorized, with the following amendment:

11 On page 13, subsection 18.5, after the words “in compliance
12 with West Virginia Code” by striking out the word “§ 29-3-16(a)”
13 and inserting in lieu thereof the word “§29-3-16a(a)”.

14 **§64-6-3. Regional Jail and Correctional Facility Authority.**

15 The legislative rule filed in the state register on July 26,
16 2013, authorized under the authority of section ten, article
17 twenty, chapter thirty-one of this code, modified by the Regional
18 Jail and Correctional Facility Authority to meet the objections of
19 the legislative rule-making review committee and refiled in the
20 state register on October 30, 2013, relating to the Regional Jail
21 and Correctional Facility Authority (criteria and procedures for
22 determination of projected cost per day for inmates incarcerated in
23 regional jails operated by the Authority, [94 CSR 7](#)), is authorized.

1 §64-9-4. Governor's Committee on Crime, Delinquency and
2 Correction.

3 The legislative rule filed in the State Register on July 26,
4 2013, authorized under the authority of section three, article
5 twenty-nine, chapter thirty of this code, modified by the
6 Governor's Committee on Crime, Delinquency and Correction to meet
7 the objections of the Legislative Rule-making Review Committee and
8 refiled in the State Register on October 10, 2013, relating to the
9 Governor's Committee on Crime, Delinquency and Correction (law
10 enforcement training and certification standards, [149 CSR 2](#)), is
11 authorized.