WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4141

By Delegate Foster

[Originating in the Committee on Government Organization; reported on February 15, 2022]

A BILL to amend and reenact §64-6-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; relating to authorizing the Governor’s Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to law enforcement training and certification standards; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer fire department equipment and training grant funding disbursement; relating to authorizing the Fire Commission to promulgate a legislative rule relating to specialized membership; relating to authorizing the Fire Commission to promulgate a legislative rule relating to junior firefighters; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the certification of fire chiefs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the use of aqueous film-forming foam (AFFF) for fire training program purposes; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials; and relating to authorizing the State Police to promulgate a legislative rule relating to career progression.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. Authorization for Department of homeland security to promulgate legislative rules.

§64-6-1. Governor’s Committee on Crime, Delinquency and Corrections.

The legislative rule filed in the State Register on July 29, 2021, authorized under the authority of §30-29-3 of this code, modified by the Governor’s Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2021, relating to the Governor’s Committee Crime, Delinquency and Correction (Law Enforcement Training and Certification Standards, [149 CSR 02](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=149-02)), is authorized.

**§64-6-2. Fire Commission.**

1. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15A-11-3 of this code, modified by the Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7, 2022, relating to the Fire Commission (Fire Code, [87 CSR 01](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-01)), is authorized.
2. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15A-11-11 of this code, modified by the Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7, 2022, relating to the Fire Commission (State Building Code, [87 CSR 04](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-04)), is authorized with the amendment set forth below:

On page 5, paragraph 4.1.f.1, by striking out everything after the word “shall” and inserting in lieu thereof: “have an air leakage rate not exceeding five air changes per hour in Climate Zones 3 through 8.”

1. The legislative rule filed in the State Register on June 23, 2021, authorized under the authority of §15A-11-11 of this code, modified by the Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 21, 2021, relating to the Fire Commission (Volunteer Fire Department Equipment and Training Grant Funding Disbursement, [87 CSR 10](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-10)), is authorized.
2. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15A-11-8 of this code, relating to the Fire Commission (Specialized Membership, [87 CSR 11](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-11)), is authorized.
3. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15A-11-8 of this code, relating to the Fire Commission (Junior Firefighters, [87 CSR 12](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-12)), is authorized.
4. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15A-11-8 of this code, modified by the Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 21, 2021, relating to the Fire Commission (Certification of Fire Chiefs, [87 CSR 13](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-13)), is authorized.
5. The legislative rule filed in the State Register on July 27, 2021, authorized under the authority of §29-3-5g of this code, relating to the Fire Commission (Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes, [87 CSR 14](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=87-14)), is authorized.

**§64-6-3. Fire Marshal.**

The legislative rule filed in the State Register on July 28, 2021, authorized under the authority of §29-3E-8 of this code, relating to the Fire Marshal (Regulation of Fireworks and Related Explosive Materials, [103 CSR 04](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=103-04)), is authorized.

**§64-6-4. State Police.**

The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §15-2-5 of this code, modified by the State Police to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2022, relating to the State Police (Career Progression, [81 CSR 03](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=81-03)), is authorized.

NOTE: The purpose of this bill is to authorize the Governor’s Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards.

This section is new; therefore, strike-throughs and underscoring have been omitted.