

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 36

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported January 24, 2024]

1 A BILL to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Homeland
3 Security to promulgate legislative rules; authorizing the rules as filed and as modified by
4 the Legislative Rule-Making Review Committee and as amended by the Legislature;
5 authorizing the Governor's Committee on Crime, Delinquency, and Correction to
6 promulgate a legislative rule relating to law-enforcement training and certification
7 standards; authorizing the Governor's Committee on Crime, Delinquency, and Correction
8 to promulgate a legislative rule relating to protocol for law-enforcement response to
9 domestic violence; authorizing the Governor's Committee on Crime, Delinquency, and
10 Correction to promulgate a legislative rule relating to sexual assault forensic examinations;
11 authorizing the Division of Emergency Management to promulgate a legislative rule
12 relating to industrial accident rapid response; authorizing the State Fire Commission to
13 promulgate a legislative rule relating to the fire code; authorizing the State Fire
14 Commission to promulgate a legislative rule relating to certification and evaluation of local
15 fire departments; authorizing the State Fire Commission to promulgate a legislative rule
16 relating to certification of fire chiefs; authorizing the State Fire Marshal to promulgate a
17 legislative rule relating to certification of electrical inspectors; authorizing the State Fire
18 Marshal to promulgate a legislative rule relating to supervision of fire protection work;
19 authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician
20 licensing rules; authorizing the State Fire Marshal to promulgate a legislative rule relating
21 to standards for the certification and continuing education of municipal, county, and other
22 public sector building code officials, building code inspectors and plans examiners;
23 authorizing the State Fire Marshal to promulgate a legislative rule relating to certification
24 of home inspectors; authorizing the West Virginia State Police to promulgate a legislative
25 rule relating to West Virginia State Police member grievance procedures; and authorizing

26 the West Virginia State Police to promulgate a legislative rule relating to motor vehicle
27 inspections.

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 Correction.

1 (a) The legislative rule filed in the State Register on July 26, 2023, authorized under the
2 authority of §30-29-3 of this code, modified by the Governor's Committee on Crime, Delinquency,
3 and Correction to meet the objections of the Legislative Rule-Making Review Committee and
4 refiled in the State Register on October 4, 2023, relating to the Governor's Committee on Crime,
5 Delinquency, and Correction (law-enforcement training and certification standards, (149 CSR 02),
6 is authorized.

7 (b) The legislative rule filed in the State Register on July 27, 2023, authorized under the
8 authority of §48-27-1102 of this code, modified by the Governor's Committee on Crime,
9 Delinquency, and Correction to meet the objections of the Legislative Rule-Making Review
10 Committee and refiled in the State Register on October 4, 2023, relating to the Governor's
11 Committee on Crime, Delinquency, and Correction (protocol for law-enforcement response to
12 domestic violence, 149 CSR 03), is authorized.

13 (c) The legislative rule filed in the State Register on September 8, 2023, authorized under
14 the authority of §15-9B-4 of this code, modified by the Governor's Committee on Crime,
15 Delinquency, and Correction to meet the objections of the Legislative Rule-Making Review
16 Committee and refiled in the State Register on November 9, 2023, relating to the Governor's
17 Committee on Crime, Delinquency, and Correction (sexual assault forensic examinations, 149
18 CSR 11), is authorized.

§64-6-2. Division of Emergency Management.

1 The legislative rule filed in the State Register on July 27, 2023, authorized under the
2 authority of §15-5B-3a of this code, relating to the West Virginia Division of Emergency
3 Management (industrial accident rapid response rule, 170 CSR 02), is authorized.

§64-6-3. State Fire Commission.

1 (a) The legislative rule filed in the State Register on July 28, 2023, authorized under the
2 authority of §15A-11-3 of this code, modified by the State Fire Commission to meet the objections
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4,
4 2023, relating to the State Fire Commission (fire code, 87 CSR 01), is authorized with the following
5 amendments:

6 On page 3, after “NFPA 1” by inserting the words “(2021 Edition)”;

7 On page 5, paragraph 2.1.d.1., by striking out the word “may”;

8 On page 5, after paragraph 2.1.d.2., by adding 2 new paragraphs to read as follows:

9 “2.1.d.3. The State Fire Marshal’s Office shall provide a system for the electronic filing of
10 all documents submitted for the plan review of projects, including payments, attachments,
11 drawings or other requirements. The State Fire Marshal’s Office shall have the system in place
12 by January 1, 2025. After that date, the owner or occupant applying for a final inspection or
13 certificate of occupancy shall submit all documents for a plan review electronically.

14 2.1.d.4. The appropriate AHJ shall complete a plan review for a project within 45 days of
15 receiving the project plan’s submission. If the submitted project plans do not meet the
16 requirements of this subdivision, the AHJ shall notify the owner or occupant of the project plan’s
17 deficiencies with specificity. The owner or occupant has 10 days to submit any additional required
18 documentation to the AHJ. The AHJ has 10 days to complete the plan review once all of the
19 requirements of this subdivision have been met.”

20 On page 7, paragraph 2.2.c.1A, after “section 9.6.” by inserting a comma and the words
21 “Chapters 11 through 43, and other applicable NFPA codes”;

22 On page 21, paragraph 2.2.j.2.T. by striking out “2.2.q.6.C.” and inserting in lieu thereof
23 “2.2.f.6.C”;

24 And,

25 On page 27, subsection 15.1 by striking out the words “Certified Employee Training
26 Program (CETP) and inserting in lieu thereof the words “Training Program”.

27 (b) The legislative rule filed in the State Register on July 26, 2023, authorized under the
28 authority of §15A-11-8 of this code, modified by the State Fire Commission to meet the objections
29 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
30 26, 2023, relating to the State Fire Commission (certification and evaluation of local fire
31 departments, 87 CSR 06), is authorized.

32 (c) The legislative rule filed in the State Register on July 26, 2023, authorized under the
33 authority of §15A-11-8 of this code, modified by the State Fire Commission to meet the objections
34 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
35 26, 2023, relating to the State Fire Commission (certification of fire chiefs, 87 CSR 13), is
36 authorized.

§64-6-4. State Fire Marshal.

1 (a) The legislative rule filed in the State Register on July 26, 2023, authorized under the
2 authority of §29-3C-4 of this code, modified by the State Fire Marshal to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 4,
4 2023, relating to the State Fire Marshal (certification of electrical inspectors, 103 CSR 01), is
5 authorized.

6 (b) The legislative rule filed in the State Register on July 27, 2023, authorized under the
7 authority of §29-3D-4 of this code, modified by the State Fire Marshal to meet the objections of
8 the Legislative Rule-Making Review Committee and refiled in the State Register on September
9 26, 2023, relating to the State Fire Marshal (supervision of fire protection work, 103 CSR 03), is
10 authorized.

11 (c) The legislative rule filed in the State Register on July 27, 2023, authorized under the
12 authority of §29-3B-5 of this code, modified by the State Fire Marshal to meet the objections of
13 the Legislative Rule-Making Review Committee and refiled in the State Register on September
14 26, 2023, relating to the State Fire Marshal (electrician licensing rules, 103 CSR 05), is authorized.

15 (d) The legislative rule filed in the State Register on July 27, 2023, authorized under the
16 authority of §15A-10-5 of this code, modified by the State Fire Marshal to meet the objections of
17 the Legislative Rule-Making Review Committee and refiled in the State Register on September
18 26, 2023, relating to the State Fire Marshal (standards for the certification and continuing
19 education of municipal, county, and other public sector building code officials, building code
20 inspectors and plans examiners, 103 CSR 06), is authorized.

21 (e) The legislative rule filed in the State Register on July 27, 2023, authorized under the
22 authority of §15A-10-5 of this code, modified by the State Fire Marshal to meet the objections of
23 the Legislative Rule-Making Review Committee and refiled in the State Register on September
24 26, 2023, relating to the State Fire Marshal (certification of home inspectors, 103 CSR 07), is
25 authorized.

§64-6-5. West Virginia State Police.

1 (a) The legislative rule filed in the State Register on July 27, 2023, authorized under the
2 authority of §15-2-6 of this code, relating to the West Virginia State Police (West Virginia State
3 Police member grievance procedures, 81 CSR 08), is authorized.

4 (b) The legislative rule filed in the State Register on July 27, 2023, authorized under the
5 authority of §17C-16-4 of this code, modified by the West Virginia State Police to meet the
6 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
7 September 26, 2023, relating to the West Virginia State Police (motor vehicle inspections, 81 CSR
8 19), is authorized.