WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

Com. Sub. for
House Bill No. 4200

(By Delegates Hunt, Linch, Compton, Jenkins,
Faircloth and Riggs)

Passed March 12, 1998

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4200

(BY DELEGATES HUNT, LINCH, COMPTON, JENKINS,
FAIRCLOTH AND RIGGS)

[Passed March 12, 1998; in effect from passage.]

AN ACT to amend and reenact section one, article six, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections two and three, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing fire commission to promulgate legislative rules relating to building code; authorizing fire commission to promulgate legislative rules relating to fire code; authorizing state police to promulgate legislative rules relating to administration;
authorizing state police to promulgate legislative rules relating to cadet selection; authorizing state police to promulgate legislative rules relating to carrying of handguns; authorizing state police to promulgate legislative rules relating to contracted services; authorizing state police to promulgate legislative rules relating to vehicle inspections; and authorizing state police to promulgate legislative rules relating to grievance procedures; and authorizing director of veterans affairs to expend funds for headstones or markers.

Be it enacted by the Legislature of West Virginia:

That section one, article six, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections two and three, all to read as follows:

CHAPTER 64. LEGISLATIVE RULES.

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

§64-6-1. Fire commission.

(a) The legislative rule filed in the state register on the twenty-second day of October, one thousand nine hundred ninety-seven, modified by the fire commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of January, one thousand nine hundred ninety-eight, relating to the fire commission (state building code, 87 CSR 4), is authorized.

(b) The legislative rule filed in the state register on the twenty-fourth day of July, one thousand nine hundred ninety-seven, authorized under the authority of section five, article three, chapter twenty-nine, 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 the twelfth day of November, one thousand nine hundred ninety-seven, relating to the fire commission (state fire code, 87 CSR 1), is authorized with the following amendment:
On page one, section §87-1-2, line four, after the word “incident” and the period by striking out the remainder of the section and inserting in lieu thereof the words “Provided, That any fire or explosion involving human fatality, arson or suspected arson shall be reported immediately.”

And,

On page one, section §87-1-3, line two, after the word “dwellings” by inserting the words “Provided, That a single unvented fuel fired heater is permitted for demonstration purposes in authorized mercantile applications when installed in accordance with manufacturers recommendations. The single heater must be connected to a permanent source of fuel and shall not be used as a permanent or alternate source of heating. The unvented heater shall be shut off at the end of each business day.”

§64-6-2. State police.

(a) The legislative rule filed in the state register on the thirtieth day of July, one thousand nine hundred ninety-seven, under the authority of section twenty-five, article two, chapter fifteen, 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 the twenty-third day of January, one thousand nine hundred ninety-eight, relating to the state police (administrative regulations, 81 CSR 1), is authorized.

(b) The legislative rule filed in the state register on the seventeenth day of July, one thousand nine hundred ninety-seven, under the authority of section twenty-five, article two, chapter fifteen, 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 the twenty-third day of January, one thousand nine hundred ninety-eight, relating to the state police (cadet selection, 81 CSR 2), is authorized.

(c) The legislative rule filed in the state register on the seventeenth day of July, one thousand nine hundred ninety-seven, under the authority of section twenty-five, article two, chapter fifteen, 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 the twenty-third day of January, one thousand nine hundred ninety-eight, relating to the state police (carrying of handguns by retired or medically discharged members, 81 CSR 6), is authorized.

(d) The legislative rule filed in the state register on the seventeenth day of July, one thousand nine hundred ninety-seven, under the authority of section eighteen, article two, chapter fifteen, 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 the twenty-third day of January, one thousand nine hundred ninety-eight, relating to the state police (contracted police or security services, 81 CSR 5), is authorized with the following amendment:

"On page 2, Section 3.1, by reinserting the stricken words 'in writing'."

(e) The legislative rule filed in the state register on the seventeenth day of July, one thousand nine hundred ninety-seven, under the authority of section forty-eight, article two, chapter fifteen, of this code, relating to the state police (modified vehicle inspections, 81 CSR 4), is authorized.

(f) The legislative rule filed in the state register on the thirtieth day of July, one thousand nine hundred ninety-seven, under the authority of section six, article two, chapter fifteen, 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 the twenty-third day of January, one thousand nine hundred ninety-eight, relating to the state police (police grievance procedure, 81 CSR 8), is authorized.

§64-6-3. Division of veterans affairs; headstones or markers.

The legislative rule filed in the state register on the tenth day of February, one thousand nine hundred ninety-eight, relating to the division of veterans affairs (VA headstones or markers, 86 CSR 4) is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Speaker of the House of Delegates

The within approved this the ______ day of ________, 1998

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/98
Time 4:03