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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 4697

(By Delegates Manuel, Beach, Williams, Anderson,  
Stemple, Osborne and Hubbard)



Passed March 13, 1998

In Effect July 1, 1998

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(BY DELEGATES MANUEL, BEACH, WILLIAMS, ANDERSON,  
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[Passed March 13, 1998; in effect July 1, 1998.]

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AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nine-e, relating to air quality in new school construction; short title; definitions; standards; tests; and school building authority guidelines and report to legislative oversight commission on education accountability.

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

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine-e, to read as follows:

### ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT.

#### §18-9E-1. Short title.

1 This article is titled and may be cited as the "Air  
2 Quality in New Schools Act of 1998."

#### §18-9E-2. Definitions.

1 For the purposes of this article, "new school  
2 building" means any public school in the state for which

3 design and construction begin after the first day of July,  
4 one thousand nine hundred ninety-eight, for the education  
5 of students in grades kindergarten through twelfth.

**§18-9E-3. Air Quality in New Schools.**

1 (a) In an effort to create well ventilated school  
2 environments, and notwithstanding any other provision of  
3 this code to the contrary, any new school building  
4 designed and constructed in the state by a county board  
5 after the first day of July, one thousand nine hundred  
6 ninety-eight, regardless of the funding source, shall be  
7 designed and constructed in compliance with the current  
8 standards of the American society of heating, refrigerating  
9 and air conditioning engineers handbook (ASHRAE), the  
10 national fire protection association code (NFPA) and the  
11 code of the building officials and code administrators  
12 (BOCA).

13 Prior to construction of any new school building in  
14 this state, tests, as required by the school building  
15 authority rules promulgated under the provisions of  
16 subsection (b) of this section, shall be conducted to  
17 determine if radon is present at the proposed construction  
18 site. If radon is detected, additional tests shall be  
19 performed within thirty days to confirm the results. If it is  
20 determined that radon is present in amounts greater than  
21 the amount determined to be acceptable by the rules  
22 promulgated by the school building authority, pursuant to  
23 subsection (b) of this section, during both tests, any new  
24 school building constructed on that site shall incorporate  
25 an active soil depressurization system to divert radon from  
26 the building site, or utilize any other industry accepted  
27 mitigation technique to minimize exposure to radon.

28 (b) The school building authority shall promulgate  
29 rules pursuant to article three-a, chapter twenty-nine-a of  
30 this code to assure that any new school building designed  
31 after the effective date of this article is designed and  
32 constructed in accordance with the ASHRAE, NFPA and  
33 BOCA standards. The school building authority shall  
34 promulgate rules, pursuant to article three-a, chapter  
35 twenty-nine-a of this code that establish standards for safe  
36 levels of radon for public school buildings. The school

37 building authority shall submit the rules for approval to  
38 the legislative oversight commission on education  
39 accountability on or before the first day of July, one  
40 thousand nine hundred ninety-eight. The rules shall  
41 include the requirement that county boards submit all  
42 designs to the school building authority for review and  
43 approval prior to preparation of final bid documents.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1998.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within approved this the 6th  
day of June, 1998.

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/26/98

Time

12:31 pm