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# 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

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COMMITTEE SUBSTITUTE

FOR

# H. B. 4200

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

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

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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.**

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

9 (b) The legislative rule filed in the state register on the  
10 twenty-fourth day of July, one thousand nine hundred  
11 ninety-seven, authorized under the authority of section  
12 five, article three, chapter twenty-nine, of this code,  
13 modified by the fire commission to meet the objections of  
14 the legislative rule-making review committee and refiled in  
15 the state register on the twelfth day of November, one  
16 thousand nine hundred ninety-seven, relating to the fire  
17 commission (state fire code, 87 CSR 1), is authorized with  
18 the following amendment:

19 On page one, section §87-1-2, line four, after the word  
20 “incident” and the period by striking out the remainder  
21 of the section and inserting in lieu thereof the words  
22 “*Provided*, That any fire or explosion involving human  
23 fatality, arson or suspected arson shall be reported  
24 immediately.”

25 And,

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

**§64-6-2. State police.**

1 (a) The legislative rule filed in the state register on the  
2 thirtieth day of July, one thousand nine hundred  
3 ninety-seven, under the authority of section twenty-five,  
4 article two, chapter fifteen, of this code, modified by the  
5 state police to meet the objections of the legislative  
6 rule-making review committee and refiled in the state  
7 register on the twenty-third day of January, one thousand  
8 nine hundred ninety-eight, relating to the state police  
9 (administrative regulations, 81 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the  
11 seventeenth day of July, one thousand nine hundred  
12 ninety-seven, under the authority of section twenty-five,  
13 article two, chapter fifteen, of this code, modified by the  
14 state police to meet the objections of the legislative  
15 rule-making review committee and refiled in the state  
16 register on the twenty-third day of January, one thousand  
17 nine hundred ninety-eight, relating to the state police  
18 (cadet selection, 81 CSR 2), is authorized.

19 (c) The legislative rule filed in the state register on the  
20 seventeenth day of July, one thousand nine hundred  
21 ninety-seven, under the authority of section twenty-five,  
22 article two, chapter fifteen, of this code, modified by the  
23 state police to meet the objections of the legislative  
24 rule-making review committee and refiled in the state

25 register on the twenty-third day of January, one thousand  
26 nine hundred ninety-eight, relating to the state police  
27 (carrying of handguns by retired or medically discharged  
28 members, 81 CSR 6), is authorized.

29 (d) The legislative rule filed in the state register on the  
30 seventeenth day of July, one thousand nine hundred  
31 ninety-seven, under the authority of section eighteen,  
32 article two, chapter fifteen, of this code, modified by the  
33 state police to meet the objections of the legislative  
34 rule-making review committee and refiled in the state  
35 register on the twenty-third day of January, one thousand  
36 nine hundred ninety-eight, relating to the state police  
37 (contracted police or security services, 81 CSR 5), is  
38 authorized with the following amendment:

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

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

47 (f) The legislative rule filed in the state register on the  
48 thirtieth day of July, one thousand nine hundred  
49 ninety-seven, under the authority of section six, article two,  
50 chapter fifteen, of this code, modified by the state police  
51 to meet the objections of the legislative rule-making  
52 review committee and refiled in the state register on the  
53 twenty-third day of January, one thousand nine hundred  
54 ninety-eight, relating to the state police (police grievance  
55 procedure, 81 CSR 8), is authorized.

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

1 The legislative rule filed in the state register on the  
2 tenth day of February, one thousand nine hundred ninety-  
3 eight, relating to the division of veterans affairs (VA  
4 headstones or markers, 86 CSR 4) is authorized.

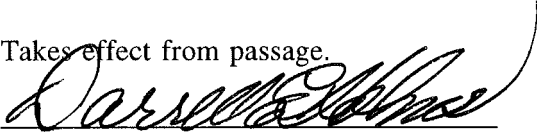
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

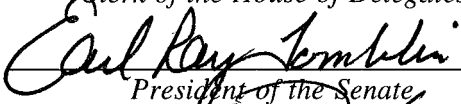
  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

Takes effect from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within approved this the 24th  
day of March, 1998

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 4:03 pm