

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4787

(By Delegates Mezzatesta and Williams)



Passed March 9, 2000

In Effect Ninety Days from Passage

ENROLLED

H. B. 4787

(BY DELEGATES MEZZATESTA AND WILLIAMS)

[Passed March 9, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the school building authority; air quality; radon testing; mitigation; rules; heating, ventilating and air-conditioning; design and construction of new schools; investigation; and authorizing the use of any appropriate floor covering in public school buildings.

Be it enacted by the Legislature of West Virginia:

That section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT.

§18-9E-3. Air quality in new schools.

- 1 (a) In an effort to create well ventilated school environ-
- 2 ments, and notwithstanding any other provision of this code to
- 3 the contrary, any new school building designed and constructed

4 in the state by a county board, regardless of the funding source,
5 shall be designed and constructed in compliance with the
6 current standards of the American society of heating, refrigerat-
7 ing and air conditioning engineers handbook (ASHRAE), the
8 national fire protection association code (NFPA) and the code
9 of the building officials and code administrators (BOCA).

10 (b) Upon notice from the school building authority that a
11 new public school building is occupied, the division of health
12 shall perform radon testing in the school within the first year
13 after occupancy and at least every five years thereafter. The
14 county school board shall provide such reasonable assistance to
15 the division of health as may be necessary to perform the radon
16 testing. The radon testing shall include all major student
17 occupied areas at or below grade level. If it is determined that
18 radon is present in amounts greater than the amount determined
19 to be acceptable by the rules promulgated by the school
20 building authority, pursuant to subsection (d) of this section,
21 any industry accepted mitigation technique shall be utilized to
22 reduce the radon level to the level or below the level deter-
23 mined acceptable by the school building authority.

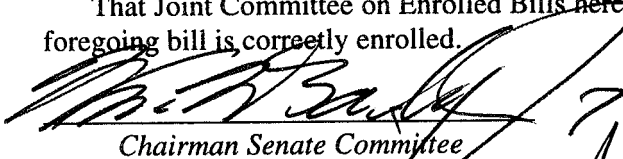
24 (c) If the school building authority determines that it is
25 feasible to test for radon prior to the construction of a school
26 building, the school building authority may cause preconstruc-
27 tion site testing for radon to be performed.

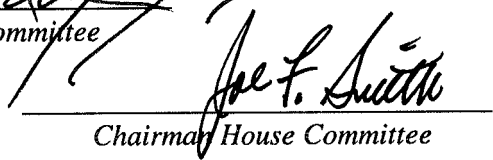
28 (d) The school building authority shall promulgate rules
29 pursuant to article three-a, chapter twenty-nine-a of this code to
30 assure that any new school building designed after the effective
31 date of this article is designed and constructed in accordance
32 with the current ASHRAE, NFPA and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

37 submit all new school designs to the school building authority
38 for review and approval for compliance with current education
39 standards and design efficiencies prior to preparation of final
40 bid documents.

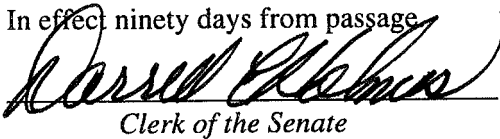
41 (e) The state board shall promulgate rules, pursuant to
42 article three-b, chapter twenty-nine-a of this code, in consulta-
43 tion with the division of health, that authorize the use of any
44 appropriate floor covering in public school buildings, based on
45 user needs and performance specifications. The state board
46 shall submit the rules to the legislative oversight commission on
47 education accountability on or before the first day of July, two
48 thousand.

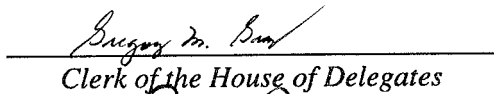
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

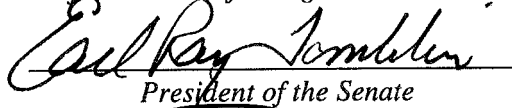

Chairman Senate Committee

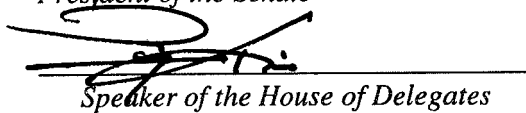

Chairman House Committee

Originating in the House.

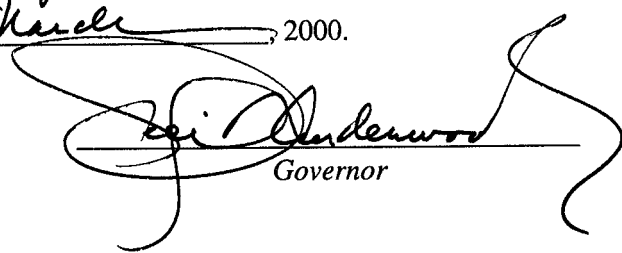
In effect ninety days from passage.

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 17th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/14/00

Time

12:16pm