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HB 4192
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006

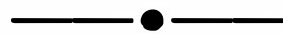


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4192

(By Delegates Mahan, Palumbo, Cann,
Pino, Armstead and Overington)



Passed March 11, 2006

In Effect from Passage

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FOR

H. B. 4192

(BY DELEGATES MAHAN, PALUMBO, CANN,
PINO, ARMSTEAD AND OVERINGTON)

[Passed March 11, 2006; in effect from passage.]

AN ACT to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended; all relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or 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 certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recom-

mended by the Legislative Rule-Making Review Committee and as amended by the legislature; authorizing the State Fire Commission to promulgate a legislative rule relating to the State Fire Code; authorizing the State Fire Commission to promulgate a legislative rule relating to the State Building Code; authorizing the State Fire Commission to promulgate a legislative rule relating to the certification of home inspectors; authorizing the State Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county and other public sector building code officials, building code inspectors and plans examiners; and authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police Grievance Procedure.

Be it enacted by the Legislature of West Virginia:

That article 6, chapter 64 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§64-6-1. State Fire Commission.

1 (a) The legislative rule filed in the state register on the
2 twentieth day of July, two thousand five, authorized under the
3 authority of section five, article three, chapter twenty-nine, of
4 this code, modified by the State Fire Commission to meet the
5 objections of the legislative rule-making review committee and
6 refiled in the state register on the second day of November, two
7 thousand five, relating to the State Fire Commission (State Fire
8 Code, 87 CSR 1), is authorized, with the following amendment:

9 On page twenty-one, following subdivision 14.14.2., by
10 inserting a new subdivision 14.14.3, to read as follows:

11 Section 4.6.2 of the National Fire Protection Association
12 (NFPA) 495, Explosive Material Code, the provisions of which
13 are adopted by reference in subsection 4.4 of this rule, is
14 amended to provide that persons 18 years and older may be
15 issued a Class G Special "Helper" permit to use explosives.

16 (b) The legislative rule filed in the state register on the
17 twenty-sixth day of July, two thousand five, authorized under
18 the authority of section five-b, article three, chapter twenty-
19 nine, of this code, modified by the State Fire Commission to
20 meet the objections of the legislative rule-making review
21 committee and refiled in the state register on the eleventh day
22 of January, two thousand six, relating to the State Fire Commis-
23 sion (State Building Code, 87 CSR 4), is authorized, with the
24 following amendments:

25 On page two, subdivision 4.1.1, after the words 'with the
26 following exceptions:' by unstriking and restoring the words
27 '4.1.1.A. Provided; that the section entitled "Fire Prevention"
28 and identified as Section 101.4.6 is deleted and not considered
29 to be a part of this rule.';

30 On page five, at the beginning of the second paragraph, by
31 unstriking and restoring the words 'Section R311.4.3';

32 On page five, by striking out the underlined words of the
33 fourth paragraph as follows:

34 'Section R311.5.3 Stair Tread and Risers

35 311.5.3.1 Riser Height - The maximum riser height shall be
36 eight and one-quarter (8 1/4) inches.

37 311.5.3.2 Tread Depth - The minimum tread depth shall be
38 nine (9) inches.';

39 On page ten, at the top of the page, by inserting the follow-
40 ing words as underlined words:

41 ‘4.1.7.A. Chapter 11 of the 2003 edition of the International
42 Residential Code for One and Two Family Dwellings, Seventh
43 Printing, entitled “Energy Efficiency”, is deleted and not
44 considered to be a part of this rule. In lieu thereof, the following
45 standards are adopted and made a part of this rule:’

46 And,

47 On page seventeen, subsection 7.3, by striking out the word
48 ‘ordnance’ and inserting in lieu thereof the word ‘ordinance’.

49 (c) The legislative rule filed in the state register on the
50 twenty-ninth day of July, two thousand five, authorized under
51 the authority of section five-b, article three, chapter twenty-
52 nine, of this code, modified by the State Fire Commission to
53 meet the objections of the legislative rule-making review
54 committee and refiled in the state register on the twentieth day
55 of January, two thousand six, relating to the State Fire Commis-
56 sion (certification of home inspectors, 87 CSR 5), is authorized
57 with the following amendment:

58 On page four, subsection 5.2, after the word “qualifica-
59 tions” by striking out the words “and he or she” and inserting a
60 period and the words “The applicant”.

61 (d) The legislative rule filed in the state register on the
62 twenty-ninth day of July, two thousand five, authorized under
63 the authority of section five-b, article three, chapter
64 twenty-nine, of this code, modified by the State Fire Commis-
65 sion to meet the objections of the legislative rule-making
66 review committee and refiled in the state register on the third
67 day of January, two thousand six, relating to the State Fire
68 Commission (standards for the certification and continuing
69 education of municipal, county and other public sector building

70 code officials, building code inspectors and plans examiners, 87
71 CSR 7), is authorized.

§64-6-2. State Police.

1 The legislative rule filed in the state register on the
2 twenty-eighth day of July, two thousand five, authorized under
3 the authority of section six, article two, chapter fifteen, of this
4 code, relating to the State Police (West Virginia State Police
5 Grievance Procedure, 81 CSR 8), is authorized.

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



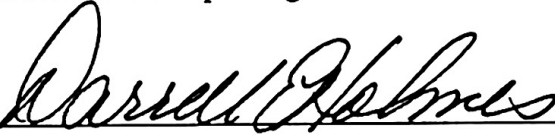
Chairman Senate Committee



Chairman House Committee

Originating in the House.

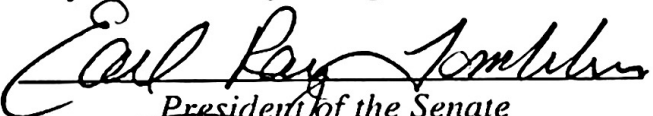
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

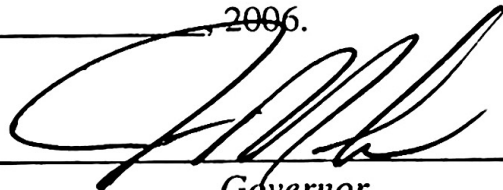


President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of April 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2006

Time 10:40am