WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2222

(By Delegates Brown, D. Poling, Talbott, Miley, Overington and Sobonya)

Passed April 8, 2009

In Effect from Passage
AN ACT to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, 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 Department of Military Affairs and Public Safety; 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 recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Regional Jail and Correctional Facility Authority to promulgate a legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the Authority; authorizing the Fire Commission to promulgate a legislative rule relating to the standards for the certification and continuing education of municipal, county and other public building code officials, building code inspectors and plans examiners; and authorizing the State Fire Marshal to promulgate a legislative rule relating to the supervision of fire protection work.

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 THE DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.

§64-6-1. Regional Jail and Correctional Facility Authority.

1 The legislative rule filed in the state register on the eighteenth day of January, two thousand eight, authorized under the authority of section ten, article twenty, chapter thirty-one, of this code, modified by the Regional Jail and Correctional Facility Authority to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of January, two thousand nine, relating to the Regional Jail and Correctional Facility Authority (criteria and procedures for determination of projected cost per day for inmates incarcerated in regional
jails operated by the authority, 94 CSR 7), is authorized, with the following amendments:

On page 1, subsection 2.2, by deleting the last sentence and inserting in lieu thereof the following:

“In calculating the schedule, the Authority may include moneys for an operational reserve fund: Provided, That moneys budgeted for the operational reserve fund may not exceed the amount of actual operational expenditures incurred during a three month period in the preceding fiscal year; Provided, however, That such three month period must be the three month period with the lowest operational expenditures for any three month period in the preceding fiscal year.”.

§64-6-2. Fire Commission.

The legislative rule filed in the state register on the twenty-seventh day of August, two thousand eight, 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 eighteenth day of February, two thousand nine, relating to the Fire Commission (standards for the certification and continuing education of municipal, county and other public building code officials, building code inspectors and plans examiners, 87 CSR 7), is authorized, with the following amendments:

On page 2, by striking subdivision 3.2.a in its entirety and inserting in lieu thereof the following:

“3.2.a. Building Code Official. - To be certified as a ‘Building Code Official’ a person must:
17  (1) Complete the following courses:
18    (A) 01 CBO Legal & Management and 02 CBO Technology; or
19
20    (B) 01 CBO Legal & Management and B1 Residential Building Inspector, B2 Commercial Building Inspector, M1 Residential Mechanical Inspector, E1 Residential Electrical Inspector, E2 Commercial Electrical Inspector, P1 Residential Plumbing Inspector and P2 Commercial Plumbing Inspector; or

26  (2) Be certified as a Certified Building Code Official (CBCO) by successfully completing the following examinations: B1 Residential Building Inspector; B2 Commercial Building Inspector; B3 Residential Plans Examiner; 01 Legal and Management; and 02 CBO Technology; or

32  (3) Complete an equivalent certification by an examination authority accepted by the State Fire Commission; or

35  (4) Be licensed by the State of West Virginia as a Professional Engineer or Professional Architect.”;

37  On page 4, subsection 6.1., by striking, “government body” and inserting in lieu thereof the words, “government entity”; and,

40  And,

41  On page 4, subsection 6.3., by striking the words, “government body” and inserting in lieu thereof the word, “government entity”.

§64-6-3. State Fire Marshal.

The legislative rule filed in the state register on the sixth day of August, two thousand eight, authorized under the authority of section four, article three-d, chapter twenty-nine, of this code, modified by the State Fire Marshal to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighteenth day of February, two thousand nine, relating to the State Fire Marshal (supervision of fire protection work, 103 CSR 3), 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 was approved this the 30th day of April, 2009.

Governor