ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4067

(By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge)

Passed March 5, 2014

In effect from its 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 State Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; authorizing the Fire Commission to promulgate a legislative rule relating to the State Fire Code; authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors; 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; and authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards.

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 Marshal.

1 The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section four, article three-c, 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 December 3, 2013, relating to the State Fire Marshal (certification of electrical inspectors, 103 CSR 1), is authorized.
§64-6-2. Fire Commission.

(a) The legislative rule filed in the State Register on June 19, 2013, 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 December 3, 2013, relating to the Fire Commission (State Fire Code, 87 CSR 1), is authorized, with the following amendment:

On page 1, subparagraph 2.1.a.1.A., in the first sentence, after the words “is subject to this” by striking out the word “section” and inserting in lieu thereof the word “paragraph”;

On page 1, subparagraph 2.1.a.1.A., in the third sentence, after the words “exempted from the provisions of this” by striking out the word “section” and inserting in lieu thereof the word “paragraph”;

On page 2, subparagraph 2.1.a.1.C., in the first sentence, after the words “as defined in” by striking out the word “subsections” and inserting in lieu thereof the word “subparagraphs”;

On page 2, subparagraph 2.1.a.1.E., in the first sentence, after the words “in accordance with” by striking out the word “Subsection” and inserting in lieu thereof the word “subparagraph”;

On page 2, subparagraph 2.1.a.1.F., in the first sentence, after the words “as defined in” by striking out the word “subsections” and inserting in lieu thereof the word “subparagraphs”;

On page 2, subparagraph 2.1.a.1.G., in the first sentence, after the words “in accordance with” by striking out the word “subsection” and inserting in lieu thereof the word “subparagraph”;
On page 3, subparagraph 2.1.a.1.H., after the words “as defined in” by striking out the word “Subsections” and inserting in lieu thereof the word “subparagraphs”;

On page 3, paragraph 2.2.a.1., by striking out said paragraph 2.2.a.1. and inserting in lieu thereof a new paragraph 2.2.a.1 to read as follows:

“All residential occupancies, except one or two family dwellings, shall prominently display signage stating whether the building contains an approved automatic sprinkler and whether the windows are capable of being opened or broken in an emergency.”;

On page 5, subsection (5) under Notes to Table 2.2.a., after the words “40 feet in height as measured per” by striking out the word “Section” and inserting in lieu thereof the word “paragraph”;

On page 7, subparagraph 2.2.d.3.E., after the words “from the requirements of this” by striking out the word “subsection” and inserting in lieu thereof the word “paragraph”;

On page 10, paragraph 2.2.i.5., after the words “comply with the residential requirements of” by striking out the words “subsection 11.6 of this section” and inserting in lieu thereof the words “subdivision 2.2.j. of this subsection”;

On page 11, subparagraph 2.2.n.2.A., in the second sentence, after the word “This” by striking out the word “division” and inserting in lieu thereof the word “subparagraph”;

On page 12, part 2.2.n.2.I.1., after the words “meet the requirements of” by striking out the words “Subsections 11.1 and 11.6” and inserting in lieu thereof the words “paragraph 2.2.d.1. and subdivision 2.2.j.”;
On page 12, subparagraph 2.2.n.2.N., after the words "meet the requirements of" by striking out the words "section 7 of this Rule of Residential Occupancies" and inserting in lieu thereof the words "subdivision 2.2.c. of this rule";

On page 13, subparagraph 2.2.o.2.A., at the end of the third sentence, after the words "pyrotechnics display as provided in this" by striking out the word "section" and inserting in lieu thereof the word "subdivision";

On page 13, subparagraph 2.2.o.2.A., in the fourth sentence, after the words "paid by the provisions of this" by striking out the word "section" and inserting in lieu thereof the word "subdivision";

On page 13, subparagraph 2.2.o.2.A., in the last sentence, after the words "permit granted under this" by striking out the word "subsection" and inserting in lieu thereof the word "subdivision";

On page 14, paragraph 2.2.p.1., after the words "For the purposes of this" by striking out the word "subsection" and inserting in lieu thereof the word "subdivision";

On page 17, subparagraph 2.2.q.6.D., after the words "dwelling or building listed in" by striking out the word "subsection" and inserting in lieu thereof the word "subparagraph";

On page 17, subparagraph 2.2.q.6.E., in the first sentence, after the words "dwelling or building listed in" by striking out the word "subsection" and inserting in lieu thereof the word "subparagraph" and after the words "ground vibration and airblast limits listed in" by striking out the word "subsection" and inserting in lieu thereof the word "subparagraph";

On page 18, subparagraph 2.2.q.6.F., in the first sentence, after the words "For structures not listed in" by striking out the
word "subsection" and inserting in lieu thereof the word
"subparagraph" and in the second sentence, after the words
dwelling or building listed in" by striking out the word
"subsection" and inserting in lieu thereof the word
"subparagraph";

On page 20, subparagraph 2.2.w.2.E., by striking out the
subparagraph designation "2.2.w.2.E." and inserting in lieu
thereof the subparagraph designation "2.2.u.2.E.";

On page 21, subparagraph 2.2.u.2.O., in the proviso, after the
words "for the purposes of this" by striking out the word
"subsection" and inserting in lieu thereof the word
"subparagraph";

On page 21, subparagraph 2.2.u.2.T., after the words "if
required by" by striking out the word "subsection" and inserting
in lieu thereof the word "subparagraph";

On page 22, section 5, at the end of the section, after the
words "an appeal to the State Fire Commission as outlined in"
by striking out the words "section 13" and inserting in lieu
thereof the words "section 17";

And,

On page 26, section 16, by striking out said section 16 in its
entirety and inserting in lieu thereof the words "The owner or
occupant of a new building, or a building that has had 50% or
more of the space renovated or reconstructed, shall obtain a
certificate of occupancy before the building is occupied or used
for its intended purpose.".

(b) The legislative rule filed in the State Register on June 19,
2013, authorized under the authority of section five-b, 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
December 3, 2013, relating to the Fire Commission (certification of home inspectors, 87 CSR 5), is authorized, with the following amendment:

On page 13, subsection 18.5, after the words “in compliance with West Virginia Code” by striking out the word “§ 29-3-16(a)” and inserting in lieu thereof the word “§29-3-16a(a)”.

§64-6-3. Regional Jail and Correctional Facility Authority.

The legislative rule filed in the state register on July 26, 2013, 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 October 30, 2013, 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 amendment:

On pages one and two, section two, by striking out all of subsections 2.3 and 2.4 and inserting in lieu thereof two new subsections, designated subsections 2.3 and 2.4, to read as follows:

2.3. The projected expenditure schedule will be divided by the previous fiscal year’s billed average daily inmate population to yield the preliminary projected cost per inmate day. The West Virginia Regional Jail and Correctional Facility Board, established under W. Va. Code §31-20-3, shall evaluate the preliminary projected cost per inmate day to determine if reductions can be implemented based on other revenues, cash reserves, and cost efficiency efforts. The Board may reduce the preliminary projected cost per inmate day based on adopting a fiscally sound annual operating budget.
25  2.4. The Board’s approved cost per inmate day shall then
26  become effective as of July 1st of the next fiscal year’s budget
27  following the October projection.

§64-6-4. Governor’s Committee on Crime, Delinquency and
Correction.

1  The legislative rule filed in the State Register on July 26,
2  2013, authorized under the authority of section three, article
3  twenty-nine, chapter thirty of this code, modified by the
4  Governor’s Committee on Crime, Delinquency and Correction
5  to meet the objections of the Legislative Rule-Making Review
6  Committee and refiled in the State Register on October 10, 2013,
7  relating to the Governor’s Committee on Crime, Delinquency
8  and Correction (law enforcement training and certification
9  standards, 149 CSR 2), is authorized.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Sunny Wells  
Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from its passage.

Gregory D. Braff  
Clerk of the House of Delegates

Joseph M. wrapper  
Clerk of the Senate

Jeffrey K. Kessler  
Speaker of the House of Delegates

President of the Senate

The within is approved this the 21st day of March, 2014.

Earl Ray Tomblin  
Governor
PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm