

FILED

2014 MAR 21 A 10:19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014

HB 4067



**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.

**FILED**

2014 MAR 21 A 10:19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

for

**H. B. 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

FILED

Enr. Com. Sub. For H. B. No. 4067] 2

PI: 01 A

AMENDED  
STATE

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,  
2 2013, authorized under the authority of section four, article  
3 three-c, chapter twenty-nine of this code, modified by the State  
4 Fire Marshal to meet the objections of the Legislative Rule-  
5 Making Review Committee and refiled in the State Register on  
6 December 3, 2013, relating to the State Fire Marshal  
7 (certification of electrical inspectors, 103 CSR 1), is authorized.

**§64-6-2. Fire Commission.**

1 (a) The legislative rule filed in the State Register on June 19,  
2 2013, authorized under the authority of section five, article three,  
3 chapter twenty-nine of this code, modified by the Fire  
4 Commission to meet the objections of the Legislative Rule-  
5 Making Review Committee and refiled in the State Register on  
6 December 3, 2013, relating to the Fire Commission (State Fire  
7 Code, 87 CSR 1), is authorized, with the following amendment:

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

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

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

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

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

27 On page 2, subparagraph 2.1.a.1.G., in the first sentence,  
28 after the words “in accordance with” by striking out the word  
29 “subsection” and inserting in lieu thereof the word  
30 “subparagraph”;

31 On page 3, subparagraph 2.1.a.1.H., after the words “as  
32 defined in” by striking out the word “Subsections” and inserting  
33 in lieu thereof the word “subparagraphs”;

34 On page 3, paragraph 2.2.a.1., by striking out said paragraph  
35 2.2.a.1. and inserting in lieu thereof a new paragraph 2.2.a.1 to  
36 read as follows:

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

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

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

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

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

56 On page 12, part 2.2.n.2.I.1., after the words “meet the  
57 requirements of” by striking out the words “Subsections 11.1 and  
58 11.6” and inserting in lieu thereof the words “paragraph 2.2.d.1.  
59 and subdivision 2.2.j.”;

60 On page 12, subparagraph 2.2.n.2.N., after the words “meet  
61 the requirements of” by striking out the words “section 7 of this  
62 Rule of Residential Occupancies” and inserting in lieu thereof  
63 the words “subdivision 2.2.c. of this rule”;

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

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

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

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

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

83 On page 17, subparagraph 2.2.q.6.E., in the first sentence,  
84 after the words “dwelling or building listed in” by striking out  
85 the word “subsection” and inserting in lieu thereof the word  
86 “subparagraph” and after the words “ground vibration and  
87 airblast limits listed in” by striking out the word “subsection”  
88 and inserting in lieu thereof the word “subparagraph”;

89 On page 18, subparagraph 2.2.q.6.F., in the first sentence,  
90 after the words “For structures not listed in” by striking out the

91 word "subsection" and inserting in lieu thereof the word  
92 "subparagraph" and in the second sentence, after the words  
93 "dwelling or building listed in" by striking out the word  
94 "subsection" and inserting in lieu thereof the word  
95 "subparagraph";

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

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

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

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

110 And,

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

117 (b) The legislative rule filed in the State Register on June 19,  
118 2013, authorized under the authority of section five-b, article  
119 three, chapter twenty-nine of this code, modified by the Fire  
120 Commission to meet the objections of the Legislative Rule-  
121 Making Review Committee and refiled in the State Register on

122 December 3, 2013, relating to the Fire Commission (certification  
123 of home inspectors, 87 CSR 5), is authorized, with the following  
124 amendment:

125 On page 13, subsection 18.5, after the words “in compliance  
126 with West Virginia Code” by striking out the word “§ 29-3-  
127 16(a)” and inserting in lieu thereof the word “§29-3-16a(a)”.

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

1 The legislative rule filed in the state register on July 26,  
2 2013, authorized under the authority of section ten, article  
3 twenty, chapter thirty-one of this code, modified by the Regional  
4 Jail and Correctional Facility Authority to meet the objections of  
5 the legislative rule-making review committee and refiled in the  
6 state register on October 30, 2013, relating to the Regional Jail  
7 and Correctional Facility Authority (criteria and procedures for  
8 determination of projected cost per day for inmates incarcerated  
9 in regional jails operated by the Authority, 94 CSR 7), is  
10 authorized with the following amendment:

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

15 2.3. The projected expenditure schedule will be divided by  
16 the previous fiscal year’s billed average daily inmate population  
17 to yield the preliminary projected cost per inmate day. The West  
18 Virginia Regional Jail and Correctional Facility Board,  
19 established under W. Va. Code §31-20-3, shall evaluate the  
20 preliminary projected cost per inmate day to determine if  
21 reductions can be implemented based on other revenues, cash  
22 reserves, and cost efficiency efforts. The Board may reduce the  
23 preliminary projected cost per inmate day based on adopting a  
24 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.

*Danny Wells*

Chairman, House Committee

*[Signature]*

Chairman, Senate Committee

Originating in the House.

In effect from its passage.

*Gregory E. Sawyer*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*[Signature]*

Speaker of the House of Delegates

*[Signature]*

President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 21 A 10:19

FILED

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