

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4060**

(BY DELEGATES SOBONYA, FRICH AND MOFFATT)

[Originating in the Committee on the Judiciary;

February 17, 2016.]



1 A BILL to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as  
2 amended, relating generally to the promulgation of administrative rules by the Department  
3 of Military Affairs and Public Safety; authorizing certain of the agencies to promulgate  
4 certain legislative rules with various modifications presented to and recommended by the  
5 Legislative Rule-Making Review Committee; authorizing the Fire Commission to  
6 promulgate a legislative rule relating to the fire code; authorizing the Fire Commission to  
7 promulgate a legislative rule relating to the state building code; and authorizing the Fire  
8 Commission to promulgate a legislative rule relating to the standards for the certification  
9 of continuing education of municipal, county and other public sector building code officials,  
10 inspectors and plans examiners.

*Be it enacted by the Legislature of West Virginia:*

1 That article 6, chapter 64 of the Code of West Virginia, 1931, as amended, be amended  
2 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.**

3 (a) The legislative rule filed in the State Register on June 29, 2015, authorized under the  
4 authority of section five, article three, chapter twenty-nine, of this code, relating to the State Fire  
5 Commission (Fire Code, 87 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on June 29, 2015, authorized under the  
7 authority of section five-b, article three, chapter twenty-nine of this code, modified by the Fire  
8 Commission to meet the objections of the Legislative Rule Committee and refiled in the State  
9 Register on December 10, 2015, relating to the Fire Commission (State Building Code, 87 CSR  
10 4), is authorized with the following amendment:

11           On page 3, subparagraph 4.1.e.1., in the first sentence before the words “If the owner of  
12 a premises” and inserting the words “Unless authorized by W.Va. Code §8-12-16, or absent the  
13 express consent of the owner,”.

14           (c) The legislative rule filed in the State Register on June 29, 2015, authorized under the  
15 authority of section five-b, article three, chapter twenty-nine of this code, modified by the Fire  
16 Commission to meet the objections of the Legislative Rule Committee and refiled in the State  
17 Register on December 10, 2015, relating to the Fire Commission (Standards for the Certification  
18 and Continuing Education of Municipal, County and other Public Sector Building Code Officials,  
19 Inspectors and Plans Examiners, 87 CSR 7), is authorized.

NOTE: The purpose of this bill is to authorize the rules of the Fire Commission.

Strike-throughs indicate language that would be stricken from a heading or the present law  
and underscoring indicates new language that would be added.