

1 structures erected or renovated throughout this state through the
2 adoption of a state building code. The rules shall be in
3 accordance with standard safe practices so embodied in widely
4 recognized standards of good practice for building construction and
5 all aspects related thereto and have force and effect in those
6 counties and municipalities adopting the state building code:
7 *Provided*, That each county or municipality may adopt the code to
8 the extent that it is only prospective and not retroactive in its
9 application.

10 (b) The State Fire Commission has authority to propose rules
11 for legislative approval in accordance with the provisions of
12 article three, chapter twenty-nine-a of this code, regarding
13 building construction, renovation and all other aspects as related
14 to the construction and mechanical operations of a structure. The
15 rules shall be known as the "State Building Code."

16 (c) The State Fire Commission shall propose a rule for
17 legislative approval in accordance with the provisions of article
18 three, chapter twenty-nine-a of this code to include the following
19 building energy codes in the State Building Code:

20 (1) The 2009 edition of the International Energy Conservation
21 Code for residential buildings or other building energy code or
22 codes for residential buildings that meets or exceeds equivalent
23 energy savings; and

24 (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007 building energy

1 code for commercial buildings or other building energy code or
2 codes for commercial buildings that meets or exceeds equivalent
3 energy savings.

4 (d) On and after the effective date of the amendments to this
5 section enacted during the regular session of the West Virginia
6 Legislature in the year 2012, all new building construction
7 projects of public agencies or any building construction project
8 receiving state grant funds and appropriations, including public
9 schools, shall be designed and constructed in compliance with the
10 ICC 2009 International Energy Conservation Code as the minimum
11 building code standard and the ANSI/ASHRAE/IESNA Standard
12 90.1-2007: Provided, That if any construction project has a
13 commitment of federal funds to pay for a portion of such project,
14 this section only applies to the extent such standards are
15 consistent with the federal standards. This provision applies to
16 building construction projects that have not entered the schematic
17 design phase prior to July 1, 2012. For purposes of this article,
18 "Public agency" means every state office, board, commission,
19 committee, bureau, department or public institution of higher
20 education, counties, school boards and municipalities.

21 ~~(d)~~(e) The State Fire Commission has authority to propose
22 rules for legislative approval, in accordance with the provisions
23 of article three, chapter twenty-nine-a, establishing state
24 standards and fee schedules for the licensing, registration,

1 certification, regulation and continuing education of persons which
2 will conduct inspections relating to the State Building Code, which
3 include, but are not limited to, building code officials,
4 inspectors, plans examiners and home inspectors.

5 ~~(e)~~ (f) The State Fire Commission has authority to establish
6 advisory boards as it deems appropriate to encourage representative
7 participation in subsequent rule-making from groups or individuals
8 with an interest in any aspect of the State Building Code or
9 related construction or renovation practices.

10 ~~(f)~~ (g) For the purpose of this section, the term "building
11 code" is intended to include all aspects of safe building
12 construction and mechanical operations and all safety aspects
13 related thereto. Whenever any other state law, county or municipal
14 ordinance or regulation of any agency thereof is more stringent or
15 imposes a higher standard than is required by the State Building
16 Code, the provisions of the state law, county or municipal
17 ordinance or regulation of any agency thereof governs if they are
18 not inconsistent with the laws of West Virginia and are not
19 contrary to recognized standards and good engineering practices.
20 In any question, the decision of the State Fire Commission
21 determines the relative priority of any such state law, county or
22 municipal ordinance or regulation of any agency thereof and
23 determines compliance with State Building Code by officials of the
24 state, counties, municipalities and political subdivisions of the

1 state.

2 ~~(g)~~ (h) Enforcement of the provisions of the State Building
3 Code is the responsibility of the respective local jurisdiction.
4 Also, any county or municipality may enter into an agreement with
5 any other county or municipality to provide inspection and
6 enforcement services: *Provided*, That any county or municipality
7 may adopt the State Building Code with or without adopting the BOCA
8 National Property Maintenance Code.

9 ~~(h)~~ (i) After the State Fire Commission has promulgated rules
10 as provided in this section, each county or municipality intending
11 to adopt the State Building Code shall notify the State Fire
12 Commission of its intent.

13 ~~(i)~~ (j) The State Fire Commission may conduct public meetings
14 in each county or municipality adopting the State Building Code to
15 explain the provisions of the rules.

16 ~~(j)~~ (k) The provisions of the State Building Code relating to
17 the construction, repair, alteration, restoration and movement of
18 structures are not mandatory for existing buildings and structures
19 identified and classified by the State Register of Historic Places
20 under the provisions of section eight, article one of this chapter
21 or the National Register of Historic Places, pursuant to 16 U.S.C.
22 §470a. Prior to renovations regarding the application of the State
23 Building Code, in relation to historical preservation of structures
24 identified as such, the authority having jurisdiction shall consult

1 with the Division of Culture and History, State Historic
2 Preservation Office. The final decision is vested in the State
3 Fire Commission. Additions constructed on a historic building are
4 not excluded from complying with the State Building Code.

NOTE: The purpose of this bill is to promote construction of energy efficient public buildings; provide a uniform minimum construction standard through adoption of the ICC 2009 International Energy Conservation Code as well as the ANSI/ASHRAE/IESNA Standard 90.1-2007; and to require its use when new public facilities are constructed.

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