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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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COMMITTEE SUBSTITUTE

FOR

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

H.B. 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
2 eighteenth day of January, two thousand eight, authorized
3 under the authority of section ten, article twenty, chapter
4 thirty-one, of this code, modified by the Regional Jail and
5 Correctional Facility Authority to meet the objections of the
6 legislative rule-making review committee and refiled in the
7 state register on the ninth day of January, two thousand nine,
8 relating to the Regional Jail and Correctional Facility
9 Authority (criteria and procedures for determination of
10 projected cost per day for inmates incarcerated in regional

11 jails operated by the authority, 94 CSR 7), is authorized, with
12 the following amendments:

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

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

§64-6-2. Fire Commission.

1 The legislative rule filed in the state register on the
2 twenty-seventh day of August, two thousand eight,
3 authorized under the authority of section five, article three,
4 chapter twenty-nine, of this code, modified by the Fire
5 Commission to meet the objections of the legislative rule-
6 making review committee and refiled in the state register on
7 the eighteenth day of February, two thousand nine, relating
8 to the Fire Commission (standards for the certification and
9 continuing education of municipal, county and other public
10 building code officials, building code inspectors and plans
11 examiners, 87 CSR 7), is authorized, with the following
12 amendments:

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

15 “3.2.a. Building Code Official. - To be certified as a
16 ‘Building Code Official’ a person must:

17 (1) Complete the following courses:

18 (A) 01 CBO Legal & Management and 02 CBO
19 Technology; or

20 (B) 01 CBO Legal & Management and B1 Residential
21 Building Inspector, B2 Commercial Building Inspector, M1
22 Residential Mechanical Inspector, E1 Residential Electrical
23 Inspector, E2 Commercial Electrical Inspector, P1
24 Residential Plumbing Inspector and P2 Commercial
25 Plumbing Inspector; or

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

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

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

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


40 And,

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

44 **§64-6-3. State Fire Marshal.**

45 The legislative rule filed in the state register on the sixth
46 day of August, two thousand eight, authorized under the
47 authority of section four, article three-d, chapter twenty-nine,
48 of this code, modified by the State Fire Marshal to meet the
49 objections of the legislative rule-making review committee
50 and refiled in the state register on the eighteenth day of
51 February, two thousand nine, relating to the State Fire
52 Marshal (supervision of fire protection work, 103 CSR 3), is
53 authorized.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



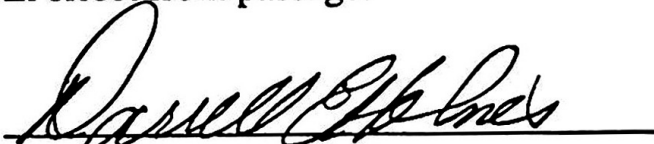
Chairman Senate Committee



Chairman House Committee

Originating in the House.

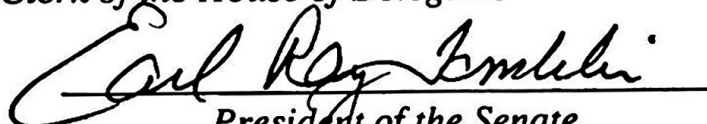
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 28 2009

Time 2:45 pm