

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4141

By Delegate Foster

[Originating in the Committee on Government
Organization; reported on February 15, 2022]

1 A BILL to amend and reenact §64-6-1 *et. seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Homeland
3 Security to promulgate legislative rules; authorizing the rules as filed, as modified, and as
4 amended by the Legislative Rule-Making Review Committee; relating to authorizing the
5 Governor’s Committee on Crime, Delinquency and Corrections to promulgate a legislative
6 rule relating to law enforcement training and certification standards; relating to authorizing
7 the Fire Commission to promulgate a legislative rule relating to the Fire Code; relating to
8 authorizing the Fire Commission to promulgate a legislative rule relating to the State
9 Building Code; relating to authorizing the Fire Commission to promulgate a legislative rule
10 relating to volunteer fire department equipment and training grant funding disbursement;
11 relating to authorizing the Fire Commission to promulgate a legislative rule relating to
12 specialized membership; relating to authorizing the Fire Commission to promulgate a
13 legislative rule relating to junior firefighters; relating to authorizing the Fire Commission to
14 promulgate a legislative rule relating to the certification of fire chiefs; relating to authorizing
15 the Fire Commission to promulgate a legislative rule relating to the use of aqueous film-
16 forming foam (AFFF) for fire training program purposes; relating to authorizing the Fire
17 Marshal to promulgate a legislative rule relating to the regulation of fireworks and related
18 explosive materials; and relating to authorizing the State Police to promulgate a legislative
19 rule relating to career progression.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF HOMELAND SECURITY TO
PROMULGATE LEGISLATIVE RULES.**

§64-6-1. Governor’s Committee on Crime, Delinquency and Corrections.

1 The legislative rule filed in the State Register on July 29, 2021, authorized under the
2 authority of §30-29-3 of this code, modified by the Governor’s Committee on Crime, Delinquency

3 and Correction to meet the objections of the Legislative Rule-Making Review Committee and
4 refiled in the State Register on September 23, 2021, relating to the Governor’s Committee Crime,
5 Delinquency and Correction (Law Enforcement Training and Certification Standards, 149 CSR
6 02), is authorized.

§64-6-2. Fire Commission.

1 (a) The legislative rule filed in the State Register on July 30, 2021, authorized under
2 the authority of §15A-11-3 of this code, modified by the Fire Commission to meet the objections
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7,
4 2022, relating to the Fire Commission (Fire Code, 87 CSR 01), is authorized.

5 (b) The legislative rule filed in the State Register on July 30, 2021, authorized under
6 the authority of §15A-11-11 of this code, modified by the Fire Commission to meet the objections
7 of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7,
8 2022, relating to the Fire Commission (State Building Code, 87 CSR 04), is authorized with the
9 amendment set forth below:

10 On page 5, paragraph 4.1.f.1, by striking out everything after the word “shall” and inserting
11 in lieu thereof: “have an air leakage rate not exceeding five air changes per hour in Climate Zones
12 3 through 8.”

13 (c) The legislative rule filed in the State Register on June 23, 2021, authorized under
14 the authority of §15A-11-11 of this code, modified by the Fire Commission to meet the objections
15 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
16 21, 2021, relating to the Fire Commission (Volunteer Fire Department Equipment and Training
17 Grant Funding Disbursement, 87 CSR 10), is authorized.

18 (d) The legislative rule filed in the State Register on July 30, 2021, authorized under
19 the authority of §15A-11-8 of this code, relating to the Fire Commission (Specialized Membership,
20 87 CSR 11), is authorized.

21 (e) The legislative rule filed in the State Register on July 30, 2021, authorized under
22 the authority of §15A-11-8 of this code, relating to the Fire Commission (Junior Firefighters, 87
23 CSR 12), is authorized.

24 (f) The legislative rule filed in the State Register on July 30, 2021, authorized under
25 the authority of §15A-11-8 of this code, modified by the Fire Commission to meet the objections
26 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
27 21, 2021, relating to the Fire Commission (Certification of Fire Chiefs, 87 CSR 13), is authorized.

28 (g) The legislative rule filed in the State Register on July 27, 2021, authorized under
29 the authority of §29-3-5g of this code, relating to the Fire Commission (Use of Aqueous Film-
30 Forming Foam (AFFF) for Fire Training Program Purposes, 87 CSR 14), is authorized.

§64-6-3. Fire Marshal.

1 The legislative rule filed in the State Register on July 28, 2021, authorized under the
2 authority of §29-3E-8 of this code, relating to the Fire Marshal (Regulation of Fireworks and
3 Related Explosive Materials, 103 CSR 04), is authorized.

§64-6-4. State Police.

1 The legislative rule filed in the State Register on July 30, 2021, authorized under the
2 authority of §15-2-5 of this code, modified by the State Police to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2022,
4 relating to the State Police (Career Progression, 81 CSR 03), is authorized.

NOTE: The purpose of this bill is to authorize the Governor's Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards.

This section is new; therefore, strike-throughs and underscoring have been omitted.