

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2001 MAY 24 A 11:57

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Health, Dep't of Health and Human Resources TITLE NUMBER: 64

RULE TYPE: Legislative CITE AUTHORITY: WV Code §16-7-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25

TITLE OF RULE BEING AMENDED: Design Standards for Swimming Pools

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 25, 2001 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Beth Marquart, Dir. Regulatory Support

Dep't of Health & Human Resources

Capitol Complex, Bldg 3, Room 201

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

BRIEF SUMMARY

64 CSR 25
DESIGN STANDARDS FOR SWIMMING POOLS

This rule is being repealed and replaced with rule 64 CSR 16, "Recreational Water Facilities."

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 64 CSR 25 Design Standards for Swimming Pools

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Health, Department of Health and Human Resources

Address: Building 3, Capitol Complex
Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CURRENT EXPENSE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REPAIRS & ALTERATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

2. Explanation of Above Estimates:

See 64 CSR 16

3. Objectives of These Rules:

This rule is being repealed and replaced with 64 CSR 16, Recreational Water Facilities.

Rule Title: 64 CSR 25 Design Standards for Swimming Pools

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: 5/23/01

Signature of Agency Head or Authorized Representative:
Paul Z. Ambrose

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: May 24, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Division of Health
Department of Health and Human Resources
State Capitol Complex, Building 3, Room 201, Charleston, WV 25305

Telephone: (304) 558-5598

LEGISLATIVE RULE TITLE: Design Standards for Swimming Pools, 64CSR25

1. Authorizing statute(s) citation: WV Code Section 16-1-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 24, 2001

b. What other notice, including advertising, did you give of the hearing?
Notice of the proposed rule was sent to Local Health Departments,
WV Recreation and Park Association, Kanawha County Parks,
City of Bridgeport Parks and Recreation, and Harpers Ferry KOA

c. Date of Public Hearing(s) or Public Comment Period ended:
June 25, 2001

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____

No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

N/A

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule (please type):

Beth Marquart, Director

Regulatory Support/Department of Health and Human Resources

Building 3, Room 201, Capitol Complex

Charleston, West Virginia 25305

- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):

Ronald Forren, Division Director of Public Health Sanitation

Office of Environmental Health Services

815 Quarrier Street, Suite 418

Charleston, West Virginia 25301-2616

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

 N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

 N/A

d. Attach findings and determinations and reasons:

Attached N/A

~~TITLE 64~~
~~LEGISLATIVE RULES~~
~~DEPARTMENT OF HEALTH~~

FILED

~~SERIES 25~~
~~DESIGN STANDARDS FOR SWIMMING POOLS~~

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

~~§64-25-1. General.~~

~~1.1. Scope. These legislative rules establishes the design standards for the construction of public swimming pools.~~

~~1.2. Authority. W. Va. Code §16-1-7~~

~~1.3. Filing Date. April 11, 1980~~

~~1.4. Effective Date. May 5, 1980~~

~~§64-25-2. Application and Enforcement.~~

~~2.1. Application. These legislative rules apply to the owner or operators of public swimming pools or those persons responsible for the construction or installation of public swimming pools.~~

~~2.2. Enforcement. The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.~~

~~Ed. Note: As permitted by Chapter 29a this rule is omitted. It deals with design standards for swimming pools and is available from the Department of Health or the Secretary of State.~~