

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 321**

4 (By Senator Minard)

5 _____
6 [Originating in the Committee on Judiciary;
7 reported February 9, 2012.]
8 _____

9
10
11 A BILL to amend and reenact article 6, chapter 64 of the Code of
12 West Virginia, 1931, as amended, relating generally to the
13 promulgation of administrative rules by the Department of
14 Military Affairs and Public Safety and the procedures relating
15 thereto; legislative mandate or authorization for the
16 promulgation of certain legislative rules by various executive
17 or administrative agencies of the Department of Military
18 Affairs and Public Safety; authorizing certain of the agencies
19 to promulgate certain legislative rules with various
20 modifications presented to and recommended by the Legislative
21 Rule-Making Review Committee; authorizing the State Police to
22 promulgate a legislative rule relating to the West Virginia
23 State Police Career Progression System; authorizing the State
24 Police to promulgate a legislative rule relating to the West
25 Virginia State Police Modified Vehicle Inspection Manual;
26 authorizing the Governor's Committee on Crime, Delinquency and

1 Correction to promulgate a legislative rule relating to law-
2 enforcement training standards; authorizing the Governor's
3 Committee on Crime, Delinquency and Correction to promulgate
4 a legislative rule relating to motor vehicle search standards;
5 and authorizing the Division of Corrections to promulgate a
6 legislative rule relating to fees for electronic monitoring of
7 offenders.

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

9 That article 6, chapter 64 of the Code of West Virginia, 1931,
10 as amended, be amended and reenacted to read as follows:

11 **ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND**
12 **PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.**

13 **§64-6-1. State Police.**

14 (a) The legislative rule filed in the State Register on July
15 25, 2011, authorized under the authority of section twenty-five,
16 article two, chapter fifteen of this code, modified by the State
17 Police to meet the objections of the Legislative Rule-Making Review
18 Committee and refiled in the State Register on January 6, 2012,
19 relating to the State Police (West Virginia State Police Career
20 Progression System, 81 CSR 3), is authorized.

21 (b) The legislative rule filed in the State Register on July
22 25, 2011, authorized under the authority of section forty-eight,
23 article fifteen, chapter seventeen-c of this code, modified by the
24 State Police to meet the objections of the Legislative Rule-Making
25 Review Committee and refiled in the State Register on January 6,
26 2012, relating to the State Police (West Virginia State Police

1 Modified Vehicle Inspection Manual, 81 CSR 4), is authorized.

2 **§64-6-2. Governor's Committee on Crime, Delinquency and Correction.**

3 (a) The legislative rule filed in the State Register on July
4 28, 2011, authorized under the authority of section three, article
5 twenty-nine, chapter thirty of this code, modified by the
6 Governor's Committee on Crime, Delinquency and Correction to meet
7 the objections of the Legislative Rule-Making Review Committee and
8 refiled in the State Register on January 3, 2012, relating to the
9 Governor's Committee on Crime, Delinquency and Correction (law-
10 enforcement training standards, 149 CSR 2), is authorized.

11 (b) The legislative rule filed in the State Register on July
12 28, 2011, authorized under the authority of section eleven, article
13 one-a, chapter sixty-two of this code, modified by the Governor's
14 Committee on Crime, Delinquency and Correction to meet the
15 objections of the Legislative Rule-Making Review Committee and
16 refiled in the State Register on January 3, 2012, relating to the
17 Governor's Committee on Crime, Delinquency and Correction (motor
18 vehicle search standards, 149 CSR 6), is authorized.

19 **§64-6-3. Division of Corrections.**

20 The legislative rule filed in the State Register on May 23,
21 2011, authorized under the authority of section fourteen, article
22 one, chapter twenty-five of this code, modified by the Division of
23 Corrections to meet the objections of the Legislative Rule-Making
24 Review Committee and refiled in the State Register on July 20,
25 2011, relating to the Division of Corrections (fees for electronic
26 monitoring of offenders, 90 CSR 8), is authorized.