

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4060

BY DELEGATES SOBONYA, FRICH AND MOFFATT

[Passed March 12, 2016; in effect from passage.]

1 AN ACT to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as
2 amended, relating generally to administrative rules of the Department of Military Affairs
3 and Public Safety; repealing certain legislative, procedural or interpretive rules
4 promulgated by certain agencies, commissions and boards which are no longer authorized
5 or are obsolete; repealing certain legislative rules by certain agencies and commissions
6 under the Department of Military Affairs and Public Safety; repealing the Division of
7 Corrections legislative rule relating to a furlough program for adult inmates; repealing the
8 Division of Corrections legislative rule relating to employment of displaced correctional
9 employees; repealing the Division of Corrections legislative rule relating to parole
10 supervision; repealing the Division of Corrections legislative rule relating to recording of
11 inmate phone calls; repealing the Division of Corrections legislative rule relating to
12 monitoring inmate mail; repealing the Division of Corrections interpretive rule relating to
13 charges assessed against inmates for services provided by state medical co-payment;
14 repealing the Division of Corrections procedural rule relating to inmate grievance
15 procedures; repealing the Jails and Prison Standards Commission legislative rule relating
16 to minimum standards for construction, operation and management of holding facilities;
17 authorizing certain agencies to promulgate certain legislative rules with various
18 modifications presented to and recommended by the Legislative Rule-Making Review
19 Committee; authorizing the Fire Commission to promulgate a legislative rule relating to
20 the fire code; authorizing the Fire Commission to promulgate a legislative rule relating to
21 the state building code; and authorizing the Fire Commission to promulgate a legislative
22 rule relating to the standards for the certification of continuing education of municipal,
23 county and other public sector building code officials, inspectors and plans examiners.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND
PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES AND REPEAL OF
UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES RELATING TO THE
DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY.**

§64-6-1. Division of Corrections.

1 (a) The legislative rule effective on May 22, 1995, authorized under the authority of section
2 thirteen, article one, chapter twenty-five of this code, relating to the Division of Corrections
3 (furlough program for adult inmates, 90 CSR 3), is repealed.

4 (b) The legislative rule effective on May 22, 1995, authorized under the authority of section
5 twenty-one, article one, chapter twenty-five of this code, relating to the Division of Corrections
6 (employment of displaced correctional employees, 90 CSR 4), is repealed.

7 (c) The legislative rule effective on April 1, 2007, authorized under the authority of section
8 two, article thirteen, chapter sixty-two of this code, relating to the Division of Corrections (parole
9 supervision, 90 CSR 2), is repealed.

10 (d) The legislative rule effective on April 5, 2010, authorized under the authority of section
11 seventeen, article one, chapter twenty-five of this code, relating to the Division of Corrections
12 (recording of inmate phone calls, 90 CSR 5), is repealed.

13 (e) The legislative rule effective on April 5, 2010, authorized under the authority of section
14 eighteen, article one, chapter twenty-five of this code, relating to the Division of Corrections
15 (monitoring inmate mail, 90 CSR 7), is repealed.

16 (f) The interpretive rule effective on March 8, 1999, authorized under the authority of
17 section twenty-one, article one, chapter twenty-five of this code, relating to the Division of
18 Corrections (charges assessed against inmates for services provided by state medical co-
19 payment, 90 CSR 6), is repealed.

20 (g) The procedural rule effective on January 1, 2014, authorized under the authority of

21 section two, article one-a, chapter twenty-five of this code, relating to the Division of Corrections
22 (inmate grievance procedures, 90 CSR 9), is repealed.

§64-6-2. Jails and Prison Standards Commission.

1 (a) The legislative rule effective on November 2, 1993, authorized under the authority of
2 section nine, article twenty, chapter thirty-one of this code, relating to the Jails and Prison
3 Standards Commission (minimum standards for construction, operation and management of
4 holding facilities, 95 CSR 3), is repealed.

§64-6-3. State Fire Commission .

1 (a) The legislative rule filed in the State Register on June 29, 2015, authorized under the
2 authority of section five, article three, chapter twenty-nine, of this code, relating to the State Fire
3 Commission (Fire Code, 87 CSR 1), is authorized.

4 (b) The legislative rule filed in the State Register on June 29, 2015, authorized under the
5 authority of section five-b, article three, chapter twenty-nine of this code, modified by the State
6 Fire Commission to meet the objections of the Legislative Rule Committee and refiled in the State
7 Register on December 10, 2015, relating to the State Fire Commission (State Building Code, 87
8 CSR 4), is authorized with the following amendment:

9 On page 3, subparagraph 4.1.e.1., in the first sentence before the words “If the owner of
10 a premises” and adding the words “Unless authorized by W.Va. Code §8-12-16, or absent the
11 express consent of the owner,”.

12 (c) The legislative rule filed in the State Register on June 29, 2015, authorized under the
13 authority of section five-b, article three, chapter twenty-nine of this code, modified by the State
14 Fire Commission to meet the objections of the Legislative Rule Committee and refiled in the State
15 Register on December 10, 2015, relating to the State Fire Commission (Standards for the
16 Certification and Continuing Education of Municipal, County and other Public Sector Building
17 Code Officials, Inspectors and Plans Examiners, 87 CSR 7), is authorized.