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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 196

(By Senator ROSS, ET AL)



PASSED MARCH 9, 1996

In Effect FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 196

(BY SENATORS ROSS, ANDERSON, BOLEY,
BUCKALEW, GRUBB AND MACNAUGHTAN, *original sponsors*)

[Passed March 9, 1996; in effect from passage.]

AN ACT to amend and reenact article six, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; 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 legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the jail and correctional facility

standards commission to promulgate legislative rules relating to the minimum standards for construction, operation and maintenance of jails, as modified; authorizing the jail and correctional facility standards commission to promulgate legislative rules relating to the minimum standards for the construction, operation and maintenance of correctional facilities, as modified; authorizing the state police to promulgate legislative rules relating to the West Virginia DNA databank, as modified; authorizing the state police to promulgate legislative rules relating to state police grievance procedures, as modified and amended; authorizing the state police to promulgate legislative rules relating to cadet physical qualifications, as modified; authorizing the state police to promulgate legislative rules relating to West Virginia state police professional standards investigations, as modified; authorizing the division of veterans affairs to promulgate legislative rules relating to the state home for veterans-fiscal, as modified; and authorizing the fire commission to promulgate legislative rules relating to the state building code, as modified and amended.

Be it enacted by the Legislature of West Virginia:

That article six, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§64-6-1. Jail and correctional facility standards commission.

- 1 (a) The legislative rules filed in the state register on the
- 2 thirty-first day of July, one thousand nine hundred
- 3 ninety-five, authorized under the authority of section
- 4 nine, article twenty, chapter thirty-one of this code,
- 5 modified by the jail and correctional facility standards
- 6 commission to meet the objections of the legislative
- 7 rule-making review committee and refiled in the state
- 8 register on the twenty-second day of November, one

9 thousand nine hundred ninety-five, relating to the jail
10 and correctional facility standards commission (West
11 Virginia minimum standards for construction, operation
12 and maintenance of jails, 95CSR1), are authorized.

13 (b) The legislative rules filed in the state register on the
14 thirty-first day of July, one thousand nine hundred
15 ninety-five, authorized under the authority of section
16 nine, article twenty, chapter thirty-one of this code,
17 modified by the jail and correctional facility standards
18 commission to meet the objections of the legislative
19 rule-making review committee and refiled in the state
20 register on the eleventh day of January, one thousand
21 nine hundred ninety-six, relating to the jail and correc-
22 tional facility standards commission (minimum stan-
23 dards for construction, operation and maintenance of
24 correctional facilities, 95CSR2), are authorized.

§64-6-2. State police.

1 (a) The legislative rules filed in the state register on the
2 ninth day of May, one thousand nine hundred ninety-
3 five, authorized under the authority of section twenty-
4 four-a, article two, chapter fifteen of this code, modified
5 by the state police to meet the objections of the legisla-
6 tive rule-making review committee and refiled in the
7 state register on the thirteenth day of June, one thousand
8 nine hundred ninety-five, relating to the state police
9 (West Virginia DNA databank, 81CSR9), are authorized.

10 (b) The legislative rules filed in the state register on the
11 twenty-third day of June, one thousand nine hundred
12 ninety-five, authorized under the authority of section
13 six, article two, chapter fifteen of this code, modified by
14 the state police to meet the objections of the legislative
15 rule-making review committee and refiled in the state
16 register on the twenty-second day of September, one
17 thousand nine hundred ninety-five, relating to the state
18 police (state police grievance procedures, 81CSR8), are
19 authorized, with the following amendment:

20 "On page four, section 4.6, after the words 'a grievant

21 may', by striking out the words 'have no', and inserting
22 in lieu thereof the words 'not have'".

23 (c) The legislative rules filed in the state register on the
24 twenty-third day of June, one thousand nine hundred
25 ninety-five, authorized under the authority of section
26 twenty-five, article two, chapter fifteen of this code,
27 modified by the state police to meet the objections of the
28 legislative rule-making review committee and refiled in
29 the state register on the twenty-second day of Septem-
30 ber, one thousand nine hundred ninety-five, relating to
31 the state police (cadet physical qualifications, 81CSR2),
32 are authorized.

33 (d) The legislative rules filed in the state register on the
34 thirty-first day of July, one thousand nine hundred
35 ninety-five, authorized under the authority of section
36 twenty-five, article two, chapter fifteen of this code,
37 modified by the state police to meet the objections of the
38 legislative rule-making review committee and refiled in
39 the state register on the twenty-second day of December,
40 one thousand nine hundred ninety-five, relating to the
41 state police (West Virginia state police professional
42 standards investigations, 81CSR10), are authorized.

§64-6-3. Division of veterans affairs.

1 The legislative rules filed in the state register on the
2 twenty-fourth day of July, one thousand nine hundred
3 ninety-five, under the authority of section three, article
4 two, chapter nine-a of this code, modified by the division
5 of veterans affairs to meet the objections of the legisla-
6 tive rule-making review committee and refiled in the
7 state register on the second day of November, one
8 thousand nine hundred ninety-five, relating to the
9 division of veterans affairs (state home for veterans-
10 fiscal, 86CSR2), are authorized.

§64-6-4. Fire commission.

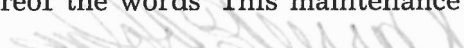
1 The legislative rules filed in the state register on the
2 eighth day of August, one thousand nine hundred ninety-
3 four, modified by the fire commission to meet the

4 objections of the legislative rule-making review commit-
5 tee and refiled in the state register on the sixteenth day
6 of November, one thousand nine hundred ninety-four,
7 relating to the fire commission (state building code,
8 87CSR4), are authorized with the following amendments:

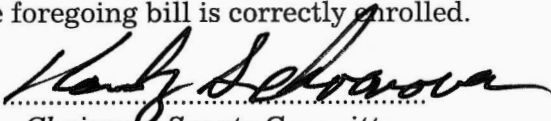
9 "On page two, subsection 3.1, by striking out the words
10 'more stringent' and inserting in lieu thereof the words
11 'state fire';

12 And,

13 On page two, subsection 4.1, by striking out the words
14 'However, Section PM-104.4 "Right of Entry"' and
15 inserting in lieu thereof the words 'This maintenance
16 code'".



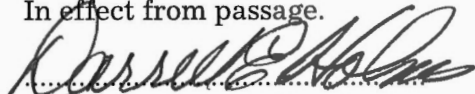
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

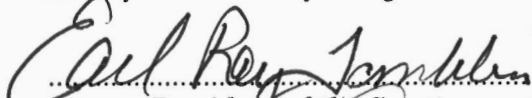

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Chairman House Committee


Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 20th
day of March, 1996.


.....
Governor

PRESENTED TO THE
GOVERNOR
Date 3/5/96
Time 5:50 pm