

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 182

(By Senator Snyder)

[Originating in the Committee on the Judiciary;
reported February 18, 2015.]

A BILL to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; 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 certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications; authorizing State Police to promulgate a legislative rule relating to the regulations and procedures pertaining to the West Virginia DNA databank; authorizing State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards; and authorizing State Fire Marshal to promulgate a legislative rule relating to supervision of

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fire protection work.

Be it enacted by the Legislature of West Virginia:

That article 6, chapter 64 of the Code of West Virginia, 1931, 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. State Police.

1 The legislative rule filed in the State Register on July 25, 2014, authorized under the
2 authority of section twenty-four, article two, chapter fifteen of this code, modified by the State Police
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on December 30, 2014, relating to the State Police (regulations and procedures pertaining
5 to the West Virginia DNA databank, 81 CSR 9), is authorized with the following amendments:

6 On page 1, subsection 1.4, by striking out the words “July 1, 2015”;

7 On page 3, subdivision 4.1.c., after the word “offender”, by inserting a comma and the words
8 “on or after July 1, 2011,”;

9 And,

10 On page 3, subdivision 4.1.e., after the word “offense”, by inserting a comma and the words
11 “on or after July 1, 2011,”.

12 **§64-6-2. State Fire Commission.**

13 The legislative rule filed in the State Register on July 1, 2014, authorized under the authority
14 of section five-d, article three, chapter twenty-nine of this code, relating to the State Fire

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1 Commission (volunteer firefighters’ training, equipment and operating standards, 87 CSR 8), is
2 authorized with the following amendments:

3 On page 1, subsection 2.4., by striking out the word “May” and inserting in lieu thereof “This
4 person may”;

5 On page 2, subsection 3.2, by striking out the words “These individuals should also be NIMS
6 compliant.” and inserting in lieu thereof the following: “Additionally, all active members and
7 firefighters shall have the training available to them to allow them to become compliant with the
8 “NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of
9 Homeland Security and Emergency Management.”;

10 On page 2, subsection 3.5., by striking out the words “These individuals shall also be NIMS
11 compliant.” and inserting in lieu thereof the following: “Additionally, all active members and
12 firefighters shall have the training available to them to allow them to become compliant with the
13 “NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of
14 Homeland Security and Emergency Management.”;

15 On page 3, subsection 3.6., by striking out the words “These individuals should also be NIMS
16 compliant.” and inserting in lieu thereof the following: “Additionally, all active members and
17 firefighters shall have the training available to them to allow them to become compliant with the
18 “NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of
19 Homeland Security and Emergency Management.”;

20 On page 17, Appendix 87-8D, by striking out “2009 Edition” and inserting in lieu thereof
21 “2014 Edition”;

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1 On page 17, Appendix 87-8D Cont, by striking out “2009 Edition” and inserting in lieu
2 thereof “2014 Edition”;

3 On page 18, Appendix 87-8E, by striking out “2009 Edition” and inserting in lieu thereof
4 “2014 Edition”;

5 And,

6 On page 21, by striking out the NIMS Training Matrix in its entirety.

7 **§64-6-3. State Fire Marshal.**

8 The legislative rule filed in the State Register on July 1, 2014, authorized under the authority
9 of section four, article three-d, chapter twenty-nine of this code, modified by the State Fire Marshal
10 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
11 Register on December 31, 2014, relating to the State Fire Marshal (supervision of fire protection
12 work, 103 CSR 3), is authorized.