

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

Senate Bill 586

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,
WOEFFEL AND WILLIAMS

[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1 and §64-12-2, all relating generally to repealing certain legislative,
3 procedural or interpretive rules promulgated by certain agencies, commissions and boards
4 which are no longer authorized or are obsolete; repealing certain legislative rules by
5 certain agencies and commissions under the Department of Military Affairs and Public
6 Safety; repealing the Division of Corrections legislative rule relating to a furlough program
7 for adult inmates; repealing the Division of Corrections legislative rule relating to
8 employment of displaced correctional employees; repealing the Division of Corrections
9 legislative rule relating to parole supervision; repealing the Division of Corrections
10 legislative rule relating to recording of inmate phone calls; repealing the Division of
11 Corrections legislative rule relating to monitoring inmate mail; repealing the Division of
12 Corrections interpretive rule relating to charges assessed against inmates for services
13 provided by state medical co-payment; repealing the Division of Corrections procedural
14 rule relating to inmate grievance procedures; and repealing the Jails and Prison Standards
15 Commission legislative rule relating to minimum standards for construction, operation and
16 management of holding facilities.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §64-12-1 and §64-12-2, all to read as follows:

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES
BY DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY.**

§64-12-1. 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3 (furlough program for adult inmates, 90 CSR 3), is repealed.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.

§64-12-2. 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.