WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

Committee Substitute for
SENATE BILL NO. 88

(By Senator Maclin, et al.)

PASSED March 10, 1995
In Effect From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 88

(SENATORS MANCHIN, ANDERSON, BOLEY, GRUBB AND MACNAUGHTAN, original sponsors)

[Passed March 10, 1995; 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 division of corrections to
promulgate legislative rules relating to inmate telephone calls, as modified; authorizing the division of corrections to promulgate legislative rules relating to furlough programs for inmates under the custody and control of the commissioner of the division of corrections, as modified; authorizing the division of corrections to promulgate legislative rules relating to employment of displaced correctional employees, as modified; authorizing the jail and correctional facility standards commission to promulgate legislative rules relating to West Virginia minimum standards for construction, operation and maintenance of jails, as modified and amended; authorizing the state fire commission to promulgate legislative rules relating to the state fire code, as modified and amended; authorizing the fire commission to promulgate legislative rules relating to the state building code, as modified and amended; authorizing the division of public safety to promulgate legislative rules relating to the division of public safety's grievance procedure, as modified; and authorizing the division of public safety to promulgate legislative rules relating to cadet selection process, as modified.

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. Division of corrections.

(a) The legislative rules filed in the state register on the fifth day of August, one thousand nine hundred ninety-four, modified by the division of corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of November, one thousand nine hundred ninety-four, relating to the division of corrections (recording of inmate telephone calls, 90 CSR 5), are authorized with the amendment set forth below:
On page two of the rule, section 3.2.2, after the period, inserting the following sentences: "Except attorney-client telephone calls which will not be recorded in any way."

(b) The legislative rules filed in the state register on the fifth day of August, one thousand nine hundred ninety-four, modified by the division of corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of November, one thousand nine hundred ninety-four, relating to the division of corrections (furlough programs for inmates under the custody and control of the commissioner of the division of corrections, 90 CSR 3), are authorized.

(c) The legislative rules filed in the state register on the twenty-seventh day of July, one thousand nine hundred ninety-four, modified by the division of corrections to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of November, one thousand nine hundred ninety-four, relating to the division of corrections (employment of displaced correctional employees, 90 CSR 4), are authorized.

§64-6-2. Jail and correctional facility standards commission.

The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred ninety-four, modified by the jail and correctional facility standards commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourth day of November, one thousand nine hundred ninety-four, relating to the jail and correctional facility standards commission (West Virginia minimum standards for construction, operation and maintenance of jails, 95 CSR 1), are authorized with the amendment set forth below:

On page forty, following section 17.18, by inserting a new section 17.19, to read as follows:
17.19. Visitation to home county. The regional jail authority shall provide transportation to the inmate's home county for purposes of visitation if (1) The home county has a holding facility which may be used for purposes of visitation (2) The county commission and the sheriff of the county agree to provide space in the holding facility for purposes of visitation and to accept custody of the inmate during such period of visitation and (3) Additional transportation space is available on regularly scheduled runs to the home county required for other necessary purposes such as transporting other inmates to court proceedings. Priorities for inmates seeking transportation to the home county for visitation shall be assigned to available space on regularly scheduled runs as follows in the following order of priority: (1) Emergency circumstances (2) Transportation for inmates awaiting court proceedings and not under a sentence of incarceration for any crime (3) Inmates who have not received a visit within a three-month period and (4) Other inmates on a first-come, first-served basis in order of date and time of request."

§64-6-3. State fire commission.

The legislative rules filed in the state register on the eighth day of August, one thousand nine hundred ninety-four, modified by the state fire commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of October, one thousand nine hundred ninety-four, relating to the state fire commission (state fire code, 87 CSR 1), are authorized with the amendments set forth below:

On page five, section 5, line 3, after the word "with" by striking out the words "NFPA 13, Standards" and inserting in lieu thereof the words "the applicable NFPA standard."

And,

On page 53, by striking out all of section 14.13 and
inserting a new section 14.13 to read as follows:

14.13 Primary Care Facilities

Definitions:

Primary Care Facility: Medical care and services at the point when a person first seeks assistance from the health care system for the simpler and more common illnesses and emergency patient treatment/stabilization, and which takes ongoing responsibility for the recipient’s health maintenance and illness. Including these and similar facilities: primary care centers, local health departments, rural health initiative/Kellogg Clinics, and birthing centers where patients are capable of taking action for self preservation. No more than three non-ambulatory patients are permitted.

Self-Preservation: Patients and other occupants of the facility must be capable of removing themselves from the facility with limited assistance, either physical or verbal, in an emergency, such as fire.

Minimum Construction Requirements:

A. New Construction shall meet Section 5 of this rule.

Exception: No new facility shall be constructed of unprotected wood frame construction (Type V (000)).

B. Existing Construction - no requirement except unprotected wood frame construction shall not be acceptable unless provided with an automatic sprinkler protection system.

Sprinkler System:

Automatic Sprinkler System. Design and installation shall be in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems.

Occupant Load:

A. Occupant Load calculation will be one person per 100 square feet of gross floor area.
B. No birthing/non-ambulatory care rooms will be located above or below the level of exit discharge.

Means of Egress Requirements:

Every aisle, passageway, corridor, stairways, exit discharge, exit location, and access shall be in accordance with NFPA 101, Life Safety Code, Means of Egress Requirements, and as modified by this rule.

Number of Exits:

There shall be not less than two remote exits provided from each floor.

Corridors:

A. No dead end corridor shall exceed 20 feet.

B. Travel distance to an exit shall not exceed 150 feet in a nonsprinklered building or 200 feet in a sprinklered building.

C. All corridors shall be a minimum of 44 inches in clear width. Primary Care facilities accepting non-ambulatory patients shall have 6 foot corridors.

D. Corridors shall be of smoke tight construction.

Doors:


B. All exit doors shall be equipped with panic hardware.

C. Doors not in the means of egress shall comply with NFPA 101, Life Safety Code, Means of Egress Components Protection:


B. Hazardous Areas:
1. All hazardous areas shall be separated by one hour fire resistive construction with openings protected with one hour fire resistive assemblies or shall be protected with an automatic sprinkler system and construction that resists the passage of smoke.

2. General anesthetizing locations and laboratories using hazardous chemicals shall be protected in accordance with NFPA 99, Standard for Health Care Facilities.

C. Interior Finish:

Interior finish throughout the building will be Class A. Where an approved automatic sprinkler system is installed, Class B or C is acceptable.

D. Carpet:

All carpet will have a critical radiant flux minimum of 0.45 watts per square centimeter.

E. Fire Alarm:

The fire alarm system will comply with Section 11.01 and 11.04 of this rule. EXCEPTION: The fire alarm system is not required to be connected to a communication center.

F. Building Services:


G. Rescue and Ventilation:

Sleeping rooms will have at least one outside window for emergency rescue and ventilation. The window shall provide a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of these window openings will be no more than 44 inches above the floor.

H. Separation Requirements:
When a facility is located within a building having more than one occupancy, the facility will be separated from all other occupancies with a two (2) hour fire barrier, or the building will be completely protected with an automatic sprinkler system in accordance with NFPA 13, Standard for the Installation of Sprinkler System.
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.
In effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 24th day of March, 1995.

[Signature]
Governor