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WEST VIRGINIA SENATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 88

(By Senator MAUCHIN, 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*)

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[Passed March 10, 1995; in effect from passage.]

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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.**

1 (a) The legislative rules filed in the state register on the  
2 fifth day of August, one thousand nine hundred  
3 ninety-four, modified by the division of corrections to  
4 meet the objections of the legislative rule-making review  
5 committee and refiled in the state register on the  
6 twenty-second day of November, one thousand nine  
7 hundred ninety-four, relating to the division of correc-  
8 tions (recording of inmate telephone calls, 90 CSR 5), are  
9 authorized with the amendment set forth below:

10 On page two of the rule, section 3.2.2, after the period,  
11 inserting the following sentences: "Except attorney-  
12 client telephone calls which will not be recorded in any  
13 way."

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

24 (c) The legislative rules filed in the state register on the  
25 twenty-seventh day of July, one thousand nine hundred  
26 ninety-four, modified by the division of corrections to  
27 meet the objections of the legislative rule-making review  
28 committee and refiled in the state register on the  
29 twenty-second day of November, one thousand nine  
30 hundred ninety-four, relating to the division of correc-  
31 tions (employment of displaced correctional employees,  
32 90 CSR 4), are authorized.

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

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

12 On page forty, following section 17.18, by inserting a  
13 new section 17.19, to read as follows:

14 17.19. Visitation to home county. The regional jail  
15 authority shall provide transportation to the inmate's  
16 home county for purposes of visitation if (1) The home  
17 county has a holding facility which may be used for  
18 purposes of visitation (2) The county commission and the  
19 sheriff of the county agree to provide space in the  
20 holding facility for purposes of visitation and to accept  
21 custody of the inmate during such period of visitation  
22 and (3) Additional transportation space is available on  
23 regularly scheduled runs to the home county required for  
24 other necessary purposes such as transporting other  
25 inmates to court proceedings. Priorities for inmates  
26 seeking transportation to the home county for visitation  
27 shall be assigned to available space on regularly sched-  
28 uled runs as follows in the following order of priority: (1)  
29 Emergency circumstances (2) Transportation for inmates  
30 awaiting court proceedings and not under a sentence of  
31 incarceration for any crime (3) Inmates who have not  
32 received a visit within a three-month period and (4)  
33 Other inmates on a first-come, first-served basis in order  
34 of date and time of request."

**§64-6-3. State fire commission.**

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

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

14 And,

15 On page 53, by striking out all of section 14.13 and

16 inserting a new section 14.13 to read as follows:

17 14.13 Primary Care Facilities

18 Definitions:

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

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

34 Minimum Construction Requirements:

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

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

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

42 Sprinkler System:

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

46 Occupant Load:

47 A. Occupant Load calculation will be one person per  
48 100 square feet of gross floor area.

49 B. No birthing/non-ambulatory care rooms will be  
50 located above or below the level of exit discharge.

51 Means of Egress Requirements:

52 Every aisle, passageway, corridor, stairways, exit  
53 discharge, exit location, and access shall be in accor-  
54 dance with NFPA 101, Life Safety Code, Means of Egress  
55 Requirements, and as modified by this rule.

56 Number of Exits:

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

59 Corridors:

60 A. No dead end corridor shall exceed 20 feet.

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

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

67 D. Corridors shall be of smoke tight construction.

68 Doors:

69 A. Doors in Means of Egress shall be a minimum of 36  
70 inches in width and comply with NFPA 101, Life Safety  
71 Code.

72 B. All exit doors shall be equipped with panic hard-  
73 ware.

74 C. Doors not in the means of egress shall comply with  
75 NFPA 101, Life Safety Code, Means of Egress Compon-  
76 nents. Protection: *SH*

77 A. Vertical Openings: All openings will comply with  
78 NFPA 101, Life Safety Code, Vertical Openings Require-  
79 ments.

80 B. Hazardous Areas:

81 1. All hazardous areas shall be separated by one hour  
82 fire resistive construction with openings protected with  
83 one hour fire resistive assemblies or shall be protected  
84 with an automatic sprinkler system and construction  
85 that resists the passage of smoke.

86 2. General anesthetizing locations and laboratories  
87 using hazardous chemicals shall be protected in accor-  
88 dance with NFPA 99, Standard for Health Care Facili-  
89 ties.

90 C. Interior Finish:

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

94 D. Carpet:

95 All carpet will have a critical radiant flux minimum of  
96 0.45 watts per square centimeter.

97 E. Fire Alarm:

98 The fire alarm system will comply with Section 11.01  
99 and 11.04 of this rule. EXCEPTION: The fire alarm  
100 system is not required to be connected to a communica-  
101 tion center.

102 F. Building Services:

103 Building services will comply with NFPA 101, Life  
104 Safety Code, Building Service and Fire Protection  
105 Equipment Requirements.

106 G. Rescue and Ventilation:

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

113 H. Separation Requirements:



114 When a facility is located within a building having  
115 more than one occupancy, the facility will be separated  
116 from all other occupancies with a two (2) hour fire  
117 barrier, or the building will be completely protected with  
118 an automatic sprinkler system in accordance with NFPA  
119 13, Standard for the Installation of Sprinkler System.

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

*Cindy Shoemaker*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Harrell Adams*  
.....  
Clerk of the Senate

*Donald G. Hoff*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomelbin*  
.....  
President of the Senate

*Paul Allen*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *24<sup>th</sup>* .....

day of *March* ..... 1995.

*Gaston Caputo*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/24/95

Time 3:09 pm