WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 276

(SENATORS MINARD, FANNING, PREZIOSO, UNGER AND BOLEY, original sponsors)

[Passed March 2, 2007; in effect from passage.]
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 276

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER AND BOLEY, original sponsors)

[Passed March 5, 2007; in effect from passage.]

AN ACT 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 and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Military Affairs and Public Safety;
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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 as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing Division of Corrections to promulgate a legislative rule relating to parole supervision; authorizing State Fire Commission to promulgate a legislative rule relating to the State Building Code; authorizing State Fire Commission to promulgate legislative rule relating to certification and evaluation of local fire departments; authorizing Division of Homeland Security and Emergency Management to promulgate legislative rule relating to mine and industrial accident rapid response system; authorizing Regional Jail and Correctional Facility Authority to promulgate legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails and operated by authority; and authorizing State Police to promulgate a legislative rule relating to the West Virginia DNA Data Bank.

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 THE DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.
§64-6-1. Division of Corrections.

1 The legislative rule filed in the State Register on the
twenty-eighth day of July, two thousand six, authorized
under the authority of section two, article thirteen,
chapter sixty-two of this code relating to the Division of
Corrections (parole supervision, 90 CSR 2) is authorized
with the following amendments:

7 On page one, section two, by striking out "2.1."
;

8 On pages one and two, section two, by redesignating
subdivisions a. through r. as subdivisions 2.1. through
2.18;

11 On page two, subdivision 2.1.r., line four, after the
word "jurisdictions," by striking out the word "you"
and inserting in lieu thereof the words "the parolee";

14 On page two, section four, by striking out "4.1."
;

And,

16 On pages two and three, section four, by redesignating
subdivisions a. through e. as subdivisions 4.1. through
4.5.

§64-6-2. State Fire Commission.

1 (a) The legislative rule filed in the State Register on
the twenty-sixth day of July, two thousand six,
authorized under the authority of section five-b, article
three, chapter twenty-nine of this code relating to the
State Fire Commission (State Building Code, 87 CSR 4)
is authorized.
(b) The legislative rule filed in the State Register on the twenty-sixth day of July, two thousand six, authorized under the authority of section five, article three, chapter twenty-nine of this code, 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 second day of November, two thousand six, relating to the State Fire Commission (certification and evaluation of local fire departments, 87 CSR 6) is authorized with the following amendments:

On page four, by striking out subsection 5.2 in its entirety and by renumbering the remaining subsections accordingly; and

On page nine, subdivision 10.2.f., following the word “subsection” by striking out “3.3” and inserting in lieu thereof “3.2”; and

On page twelve, subsection 12.3, line eight, following the word “subdivision”, by striking out “10.2.b” and inserting in lieu thereof “10.3.b”.


The legislative rule filed in the State Register on the first day of May, two thousand six, authorized under the authority of section five, article five-b, chapter fifteen of this code, modified by the Division of Homeland Security and Emergency Management to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the nineteenth day of January, two thousand seven, relating to the Division of Homeland Security and Emergency Management (mine and industrial accident rapid response system, 170 CSR 1) is authorized with the
following amendments:

On page one, subsection 1.1, line one, by striking out the word “coordinating” and inserting in lieu thereof the words “to coordinate”;

On page one, subsection 1.1, lines two through four, by striking out the word “governing” and inserting in lieu thereof the words “to govern”;

On page two, subsection 2.2., line one, after the word “means”, by inserting the words “Mine and Industrial Accident Emergency Operations Center, including”;

On pages two and three, by striking out subsections 2.6., 2.7. and 2.8. in their entirety;

On page three, by striking out section three in its entirety and by renumbering the following sections accordingly;

On page three, subsection 4.1., line three, by capitalizing the word “director”;

On page three, subsection 4.2., line two, by striking out the word “Such”, by capitalizing the word “recording” and by inserting a comma after the word “automatic”;

On page three, subsection 4.2., lines three and four, by striking out the words “to include” and inserting in lieu thereof the word “including” and by striking out the words “appropriate, approved and authorized”;

On page three, subsection 4.2., line four, after the words “representative of” by inserting the word “a”, by
striking out the words “regulatory, enforcement, or
investigative agencies” and inserting in lieu thereof the
words “government agency responsible for enforcing
rules and regulations and investigating violations
relating to mining and industrial safety”;

On page three, subsection 4.2., line five, by striking
out the words “Such requests” and inserting in lieu
thereof the words “The request”, by striking out the
words “the nature of the need for such” and inserting in
lieu thereof the words “why the” and, after the word
“information”, by inserting the words “is needed”;

On page three, subsection 5.1., line one, by striking
out the words “shall be” and inserting in lieu thereof
the word “is”;

On page three, subsection 5.1., line two, by striking
out the word “purposes” and inserting in lieu thereof
the word “purpose” and after “§29B-1” by inserting “-1”;

On page four, by striking out subsection 5.2. in its
entirety and by renumbering the remaining subsections
accordingly;

On page four, subsection 5.3., by striking out the word
“should” and inserting in lieu thereof the word “must”;

On page four, subsection 5.4., after “W. Va. Code
§29B-1” by inserting “-1” and, after the words “et seq.”
by striking out the remainder of the subsection;

On page four, subsection 6.1., after the word
“considered”, by striking out the word “a” and, after
the word “requests” by inserting the words “in
writing”;

And,

On page four, by striking out subsection 6.2. in its entirety and renumbering the remaining subsection accordingly.

§64-6-4. Regional Jail and Correctional Facility Authority.

The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand six, authorized under the authority of section ten, article twenty, chapter thirty-one of this code, modified by the Regional Jail and Correctional Facility Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eighteenth day of January, two thousand seven, relating to the Regional Jail and Correctional Facility Authority (criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the Authority, 94 CSR 7) is authorized with the following amendments:

On page one, subsection 2.1., line one, by striking out “establishes” and inserting in lieu thereof “shall establish”;

On page one, subsection 2.1., line three, after the word “including”, by inserting a comma;

On page one, subsection 2.1, line six, after the period by inserting the following:

“Provided, that an operational reserve fund may not exceed the amount of three months of anticipated
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23 operational expenditures."

24 On page one, section three, by striking out “3.1.”;

25 On page one, section three, line two, after the word
26 “entity” by inserting the words “who has or may have”
27 and, after the word “inmate”, by striking out the words
28 “may be”;  

29 On page one, subsection 4.1., after the word
30 “Authority”, by striking out the word “prepares” and
31 inserting in lieu thereof the words “shall prepare”, after
32 the word “statement” by changing the period to a
33 comma and striking out the words “This statement” and
34 inserting in lieu thereof the word “which”, and, after
35 the word “at”, by inserting the word “a”;

36 And,

37 On page one, subsection 4.1, line three, after the word
38 “charges”, by inserting the words “per entity”.

§64-6-5. State Police.

1 The legislative rule filed in the State Register on the
2 twenty-eighth day of July, two thousand six, authorized
3 under the authority of section four, article two-b,
4 chapter fifteen of this code, modified by the State Police
5 to meet the objections of the Legislative Rule-Making
6 Review Committee and refiled in the State Register on
7 the twenty-third day of October, two thousand six,
8 relating to the State Police (West Virginia DNA Data
9 Bank, 81 CSR 9) is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved the 19th Day of , 2007.

Governor
PRESENTED TO THE GOVERNOR
MAR 14 2007

Time 3:10 p.m.