

FILED

2015 APR -3 A 10:46

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE

OFFICE OF THE VIRGINIA
SECRETARY OF STATE

REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 182

(SENATOR SNYDER, ORIGINAL SPONSOR)

[PASSED MARCH 13, 2015; IN EFFECT FROM PASSAGE.]

SB182

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COMMITTEE SUBSTITUTE

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SECRETARY OF STATE

FOR

Senate Bill No. 182

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[Passed March 13, 2015; 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; 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 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,
2 2014, authorized under the authority of section twenty-four,
3 article two, chapter fifteen of this code, modified by the State
4 Police to meet the objections of the Legislative Rule-Making
5 Review Committee and refiled in the State Register on
6 December 30, 2014, relating to the State Police (regulations and
7 procedures pertaining to the West Virginia DNA databank, 81
8 CSR 9), is authorized with the following amendments:

9 On page 1, subsection 1.4, by striking out the words "July
10 1, 2015";

11 On page 3, subdivision 4.1.c., after the word "offender", by
12 inserting a comma and the words "on or after July 1, 2011,";

13 And,

14 On page 3, subdivision 4.1.e., after the word "offense",
15 by inserting a comma and the words "on or after July 1,
16 2011,".

§64-6-2. State Fire Commission.

1 The legislative rule filed in the State Register on July 1,
2 2014, authorized under the authority of section five-d, article
3 three, chapter twenty-nine of this code, relating to the State
4 Fire Commission (volunteer firefighters' training, equipment
5 and operating standards, 87 CSR 8), is authorized with the
6 following amendments:

7 On page 1, subsection 2.4., by striking out the word
8 "May" and inserting in lieu thereof "This person may";

9 On page 2, subsection 3.2, by striking out the words
10 "These individuals should also be NIMS compliant." and
11 inserting in lieu thereof the following: "Additionally, all
12 active members and firefighters shall have the training
13 available to them to allow them to become compliant with the
14 "NIMS Training Guidelines for West Virginia" as established
15 by the West Virginia Division of Homeland Security and
16 Emergency Management.";

17 On page 2, subsection 3.5., by striking out the words
18 "These individuals shall also be NIMS compliant." and
19 inserting in lieu thereof the following: "Additionally, all
20 active members and firefighters shall have the training
21 available to them to allow them to become compliant with the
22 "NIMS Training Guidelines for West Virginia" as established
23 by the West Virginia Division of Homeland Security and
24 Emergency Management.";

25 On page 3, subsection 3.6., by striking out the words
26 "These individuals should also be NIMS compliant." and
27 inserting in lieu thereof the following: "Additionally, all
28 active members and firefighters shall have the training
29 available to them to allow them to become compliant with the
30 "NIMS Training Guidelines for West Virginia" as established

31 by the West Virginia Division of Homeland Security and
32 Emergency Management.”;

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

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

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

39 And,

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

§64-6-3. State Fire Marshal.

1 The legislative rule filed in the State Register on July 1,
2 2014, authorized under the authority of section four, article
3 three-d, chapter twenty-nine of this code, modified by the
4 State Fire Marshal to meet the objections of the Legislative
5 Rule-Making Review Committee and refiled in the State
6 Register on December 31, 2014, relating to the State Fire
7 Marshal (supervision of fire protection work, 103 CSR 3), is
8 authorized with the following amendment:

9 On page six, section seven, subsection seven after the
10 words “Code of West Virginia” by striking out the comma
11 and the remainder of sentence and inserting in lieu thereof the
12 following: “And shall pass a test developed by the state fire
13 marshal on HVAC Fire Safety.”

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

Mark R. Hayward
.....
Chairman Senate Committee

John B. Hill
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clark A. Barnes
.....
Clerk of the Senate

Stephen J. Harris
.....
Clerk of the House of Delegates

William F. Holte
.....
President of the Senate

John W. Rowland
.....
Speaker of the House of Delegates

The within *is approved* this the *3rd*
Day of *April*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2015

Time 10:51 AM