WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4060

(By Delegates Sobonya, Frich and Moffatt)

[Passed March 12, 2016; in effect from passage.]
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[Passed March 12, 2016; 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 administrative rules of the Department of Military Affairs and Public Safety; repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, commissions and boards which are no longer authorized or are obsolete; repealing certain legislative rules by certain agencies and commissions under the Department of Military Affairs and Public Safety; repealing the Division of Corrections legislative rule relating to a furlough program for adult inmates; repealing the Division of Corrections legislative rule relating to employment of displaced correctional employees; repealing the Division of Corrections legislative rule relating to parole supervision; repealing the Division of Corrections legislative rule relating to recording of inmate phone calls; repealing the Division of Corrections legislative rule relating to monitoring inmate mail; repealing the Division of Corrections interpretive rule relating to charges assessed against inmates for services provided by state medical co-payment; repealing the Division of Corrections procedural rule relating to inmate grievance procedures; repealing the Jails and Prison Standards Commission legislative rule relating to minimum standards for construction, operation and management of holding facilities; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the Fire Commission to promulgate a legislative rule relating to the fire code; authorizing the Fire Commission to promulgate a legislative rule relating to the state building code; and authorizing the Fire Commission to promulgate a legislative rule relating to the standards for the certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners.

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 AND
REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE
RULES RELATING TO THE DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY.

§64-6-1. Division of Corrections.

(a) The legislative rule effective on May 22, 1995, authorized under the authority of section
thirteen, article one, chapter twenty-five of this code, relating to the Division of Corrections
(furlough program for adult inmates, 90 CSR 3), is repealed.

(b) The legislative rule effective on May 22, 1995, authorized under the authority of section
twenty-one, article one, chapter twenty-five of this code, relating to the Division of Corrections
(employment of displaced correctional employees, 90 CSR 4), is repealed.

(c) The legislative rule effective on April 1, 2007, 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 repealed.

(d) The legislative rule effective on April 5, 2010, authorized under the authority of section
seventeen, article one, chapter twenty-five of this code, relating to the Division of Corrections
(recording of inmate phone calls, 90 CSR 5), is repealed.

(e) The legislative rule effective on April 5, 2010, authorized under the authority of section
eighteen, article one, chapter twenty-five of this code, relating to the Division of Corrections
(monitoring inmate mail, 90 CSR 7), is repealed.

(f) The interpretive rule effective on March 8, 1999, authorized under the authority of
section twenty-one, article one, chapter twenty-five of this code, relating to the Division of
Corrections (charges assessed against inmates for services provided by state medical co-
payment, 90 CSR 6), is repealed.
(g) The procedural rule effective on January 1, 2014, authorized under the authority of section two, article one-a, chapter twenty-five of this code, relating to the Division of Corrections (inmate grievance procedures, 90 CSR 9), is repealed.


(a) The legislative rule effective on November 2, 1993, authorized under the authority of section nine, article twenty, chapter thirty-one of this code, relating to the Jails and Prison Standards Commission (minimum standards for construction, operation and management of holding facilities, 95 CSR 3), is repealed.


(a) The legislative rule filed in the State Register on June 29, 2015, authorized under the authority of section five, article three, chapter twenty-nine of this code, relating to the State Fire Commission (Fire Code, 87 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on June 29, 2015, authorized under the authority of section five-b, article three, chapter twenty-nine of this code, modified by the State Fire Commission to meet the objections of the Legislative Rule Committee and refiled in the State Register on December 10, 2015, relating to the State Fire Commission (State Building Code, 87 CSR 4), is authorized with the following amendment:

On page 3, subparagraph 4.1.e.1., in the first sentence before the words “If the owner of a premises” and adding the words “Unless authorized by W.Va. Code §8-12-16, or absent the express consent of the owner,”.

(c) The legislative rule filed in the State Register on June 29, 2015, authorized under the authority of section five-b, article three, chapter twenty-nine of this code, modified by the State Fire Commission to meet the objections of the Legislative Rule Committee and refiled in the State Register on December 10, 2015, relating to the State Fire Commission (Standards for the Certification and Continuing Education of Municipal, County and other Public Sector Building Code Officials, Inspectors and Plans Examiners, 87 CSR 7), is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 29th day of March, 2016.

Governor
Presented to the Governor

Mar 28 2016

Time: 3:05 pm