

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 321

(By Senator Minard)

[Originating in the Committee on Judiciary;
reported February 9, 2012.]

A BILL 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; 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 the State Police to promulgate

a legislative rule relating to the West Virginia State Police Career Progression System; authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police Modified Vehicle Inspection Manual; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to motor vehicle search standards; and authorizing the Division of Corrections to promulgate a legislative rule relating to fees for electronic monitoring of offenders.

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 (a) The legislative rule filed in the State Register on July
- 2 25, 2011, authorized under the authority of section twenty-
- 3 five, article two, chapter fifteen of this code, modified by the

4 State Police to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register
6 on January 6, 2012, relating to the State Police (West
7 Virginia State Police Career Progression System, 81 CSR 3),
8 is authorized.

9 (b) The legislative rule filed in the State Register on July
10 25, 2011, authorized under the authority of section forty-
11 eight, article fifteen, chapter seventeen-c of this code,
12 modified by the State Police to meet the objections of the
13 Legislative Rule-Making Review Committee and refiled in
14 the State Register on January 6, 2012, relating to the State
15 Police (West Virginia State Police Modified Vehicle Inspec-
16 tion Manual, 81 CSR 4), is authorized.

**§64-6-2. Governor's Committee on Crime, Delinquency and Cor-
rection.**

1 (a) The legislative rule filed in the State Register on July
2 28, 2011, authorized under the authority of section three,
3 article twenty-nine, chapter thirty of this code, modified by
4 the Governor's Committee on Crime, Delinquency and
5 Correction to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register
7 on January 3, 2012, relating to the Governor's Committee on

8 Crime, Delinquency and Correction (law- enforcement
9 training standards, 149 CSR 2), is authorized.

10 (b) The legislative rule filed in the State Register on July
11 28, 2011, authorized under the authority of section eleven,
12 article one-a, chapter sixty-two of this code, modified by the
13 Governor's Committee on Crime, Delinquency and Correc-
14 tion to meet the objections of the Legislative Rule-Making
15 Review Committee and refiled in the State Register on
16 January 3, 2012, relating to the Governor's Committee on
17 Crime, Delinquency and Correction (motor vehicle search
18 standards, 149 CSR 6), is authorized.

§64-6-3. Division of Corrections.

1 The legislative rule filed in the State Register on May 23,
2 2011, authorized under the authority of section fourteen,
3 article one, chapter twenty-five of this code, modified by the
4 Division of Corrections to meet the objections of the Legisla-
5 tive Rule-Making Review Committee and refiled in the State
6 Register on July 20, 2011, relating to the Division of Correc-
7 tions (fees for electronic monitoring of offenders, 90 CSR 8),
8 is authorized.