

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 116

SENATOR MAYNARD, *original sponsor*

[Passed April 8, 2017; in effect from passage]

1 AN ACT to amend and reenact §64-6-1, §64-6-2 and §64-6-3 of the Code of West Virginia, 1931,
2 as amended, all relating to authorizing certain Department of Military Affairs and Public
3 Safety legislative rules; authorizing certain agencies to promulgate certain legislative rules
4 with various modifications presented to and recommended by the Legislative Rule-Making
5 Review Committee; authorizing certain agencies to promulgate legislative rules with
6 various amendments recommended by the legislature; authorizing the Governor's
7 Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating
8 to law-enforcement training and certification standards; authorizing the State Fire Marshal
9 to promulgate a legislative rule relating to the regulation of fireworks and related explosive
10 material; and directing the Division of Justice and Community Services to promulgate a
11 legislative rule relating to the William R. Laird, IV- Second Chance Driver's License
12 Program.

Be it enacted by the Legislature of West Virginia:

1 That §64-6-1, §64-6-2 and §64-6-3 of the Code of West Virginia, 1931, as amended, be
2 amended and reenacted, all to read as follows:

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC
SAFETY TO PROMULGATE LEGISLATIVE RULES.**

§64-6-1. Governor's Committee on Crime, Delinquency and Correction.

1 The legislative rule filed in the State Register on August 26, 2016, authorized under the
2 authority of section three, article twenty-nine, chapter thirty of this code, modified by the
3 Governor's Committee on Crime, Delinquency and Correction to meet the objections of the
4 Legislative Rule-Making Review Committee and refiled in the State Register on December 20,
5 2016, relating to the Governor's Committee on Crime, Delinquency and Correction (law-
6 enforcement training and certification standards, 149 CSR 02), is authorized with the following
7 amendments:

8 On page 10, subdivision 8.2.a., by striking out each of the two uses of the underlined word
9 “must” and inserting in lieu thereof the word “shall”;

10 On page 16, subdivision 14.1.b., after the underlined word “certification” by inserting the
11 word “holder”;

12 And,

13 On page 16, subdivision 14.1.b, after the underlined word “against” by striking the word
14 “it” and inserting in lieu thereof the words “him or her”.

§64-6-2. State Fire Marshal.

1 The legislative rule filed in the State Register on August 26, 2016, authorized under the
2 authority of section eight, article three-e, chapter twenty-nine of this code, modified by the State
3 Fire Marshal to meet the objections of the Legislative Rule-Making Review Committee and refiled
4 in the State Register on December 21, 2016, relating to the State Fire Marshal (regulation of
5 fireworks and related explosive materials, 103 CSR 04), is authorized with the following
6 amendments:

7 On page 5, subsection 3.44, after the word “issued” by deleting the word “a”;

8 On page 6, paragraph 5.1.b.6, by striking out the following “Require Manager(s) of any
9 CFRS to complete and pass a limited online safety training approved by the State Fire
10 Commission. At least one (1) certificate shall be submitted” and inserting in lieu thereof the words
11 “Submit at least one (1) certificate”;

12 On page 7, subdivision 5.1.o, by striking the words “this article” and inserting in lieu thereof
13 the word “the law or this rule”;

14 On page 9, subdivision 5.4.a, after the words “jurisdiction over” by inserting the word “the”;

15 On page 11, subdivision 8.2.f, by striking out the words “Applicants shall be required to
16 provide” and inserting in lieu thereof the word “Provide”;

17 On page 12, paragraph 8.3.a.2, by striking out the words “Pay the required” and inserting
18 in lieu thereof the word “A”;

19 On page 12, subsection 9.1, after the words “engaged in”, by inserting the word “the”;

20 On page 14, paragraph 10.1.a.3, after the words “certificate and” by inserting the word
21 “meets”;

22 On page 15, subdivision 11.4.c, by adding the word “or” after the semicolon;

23 On page 15, subdivision 11.7.a, after the word “alcohol” by striking the period and adding
24 a semicolon;

25 On page 15, subdivision 11.7.b, after the word “substance” by striking the period and
26 adding a semicolon;

27 On page 15, subdivision 11.7.c, after the word “drug” by striking the period and adding a
28 semicolon;

29 On page 15, subdivision 11.7.d, after the word “drug” by striking the period and adding a
30 semicolon and the word “or”;

31 And,

32 On page 15, subdivision 11.6.f, by striking out the subdivision number and inserting in lieu
33 thereof a new subsection number 11.8.

§64-6-3. Division of Justice and Community Services.

1 The Legislature directs the Division of Justice and Community Services, pursuant to the
2 authority given to the division in section ten, article seven, chapter seventeen-b of this code, to
3 promulgate the legislative rule filed in the State Register by the Division on February 17, 2017,
4 relating to the division (William R. Laird IV – Second Chance Driver’s License Program, 224 CSR
5 1), with the following amendments:

6 On page 2, by renumbering subdivision “2.1” to “2.9”;

7 And,

8 On page 8, by correcting the Code date from “1131” to “1931”.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor