

RECEIVED

1992 MAR 27 PM 4: 29

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



ENROLLED

SENATE BILL NO. 352

(By Senators Lucht and Felton)



PASSED March 7 1992

In Effect from Passage

ENROLLED

Senate Bill No. 352

(BY SENATORS LUCHT AND FELTON)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seventeen, relating to authorization of higher education governing boards to promulgate legislative rules; providing generally for authorization, effective date and waiver of technical deficiencies; and authorizing specific regulations relating to higher education report cards, equal opportunity and affirmative action and holidays.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seventeen, to read as follows:

ARTICLE 17. LEGISLATIVE RULES.

§18B-17-1. Legislative authorization; effective date of rules; technical deficiencies waived.

1 Under the provisions of article three-a, chapter
2 twenty-nine-a of the code of West Virginia, the
3 Legislature expressly authorizes the promulgation of
4 the rules described in sections two and three of this

5 article, subject only to the limitations set forth with
6 respect to each such rule in the section or sections of
7 this chapter authorizing its promulgation. The Legisla-
8 ture further declares that all rules now or hereafter
9 authorized under sections two and three of this article
10 are within the legislative intent of the statute which
11 the rule is intended to implement, extend, apply or
12 interpret.

13 The effective date of the legislative rules authorized
14 in sections two and three of this article shall be
15 governed by the provisions of section fourteen, article
16 three-a, chapter twenty-nine-a of this code unless the
17 governing board promulgating the rules establishes an
18 effective date which is earlier than that provided by
19 said section fourteen, in which case the effective date
20 established by the governing board shall control,
21 unless the Legislature in the bill authorizing the rules
22 establishes an effective date for such rules, in which
23 case the effective date established by the Legislature
24 shall control.

25 The Legislature further declares each legislative
26 rule now or hereafter authorized under this article to
27 have been validly promulgated notwithstanding any
28 failure to comply with any requirement of article
29 three-a, chapter twenty-nine-a of this code relating to
30 the promulgation of rules at any stage of the promul-
31 gation process prior to authorization by the Legislature
32 in sections two and three of this article.

§18B-17-2. Board of trustees.

1 (a) The legislative rules filed in the state register on
2 the third day of December, one thousand nine hun-
3 dred ninety-one, modified by the board of trustees to
4 meet the objections of the legislative oversight com-
5 mission on education accountability and refiled in the
6 state register on the twenty-first day of January, one
7 thousand nine hundred ninety-two, relating to the
8 board of trustees (report card), are authorized.

9 (b) The legislative rules filed in the state register on
10 the thirteenth day of July, one thousand nine hundred
11 ninety-one, relating to the board of trustees (equal

12 opportunity and affirmative action), are authorized.

§18B-17-3. Board of directors.

1 (a) The legislative rules filed in the state register on
2 the sixteenth day of December, one thousand nine
3 hundred ninety-one, modified by the board of direc-
4 tors to meet the objections of the legislative oversight
5 commission on education accountability and refiled in
6 the state register on the twenty-first day of January,
7 one thousand nine hundred ninety-two, relating to the
8 board of directors (report card), are authorized.

9 (b) The legislative rules filed in the state register on
10 the twenty-seventh day of September, one thousand
11 nine hundred ninety-one, relating to the board of
12 directors (equal opportunity and affirmative action),
13 are authorized.

14 (c) The legislative rules filed in the state register on
15 the fourth day of December, one thousand nine
16 hundred ninety-one, relating to the board of directors
17 (holiday policy), are authorized.

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

Thomas Heck
.....
Chairman Senate Committee

Ernest E. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

David A. Helms
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Paul Burdette
.....
President of the Senate

B. J. Cole
.....
Speaker House of Delegates

The within is approved this the *27th*.....
day of *June*....., 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/92

Time 3:35 pm