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2001 APR 23 P 4 15

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 724

*(Originating in the Committee on
(By Senator Edwards)*

PASSED April 12, 2001

In Effect from **Passage**

FILED

2001 APR 23 P 4: 15

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Senate Bill No. 724

(Originating in the Committee on Education)

[Passed April 12, 2001; in effect from passage.]

AN ACT to amend and reenact sections one, two and three, article seventeen, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section four, all relating to authorizing rules; board of trustees; board of directors; higher education policy commission; reduced tuition and fee program for state residents who are at least sixty-five years of age; and higher education finance policy.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article seventeen, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section four, all to read as follows:

ARTICLE 17. LEGISLATIVE RULES.

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

SECRETARY OF STATE
WEST VIRGINIA

1 (a) Under the provisions of article three-a, chapter
2 twenty-nine-a of the code of West Virginia, the Legislature
3 expressly authorizes the promulgation of the rules de-
4 scribed in this article, subject only to the limitations set
5 forth with respect to each rule in the section or sections of
6 this chapter authorizing its promulgation. The Legislature
7 further declares that all rules now or hereafter authorized
8 in this article are within the legislative intent of the
9 statute which the rule is intended to implement, extend,
10 apply or interpret.

11 (b) The effective date of the legislative rules authorized
12 in this article is governed by the provisions of section
13 fourteen, article three-a, chapter twenty-nine-a of this
14 code unless the governing board promulgating the rules
15 establishes an effective date which is earlier than that
16 provided by that section, in which case the effective date
17 established by the governing board shall control, unless
18 the Legislature, in the bill authorizing the rules, estab-
19 lishes an effective date for the rules, in which case the
20 effective date established by the Legislature controls.

21 (c) The Legislature further declares each legislative rule
22 now or hereafter authorized under this article to have been
23 validly promulgated, notwithstanding any failure to
24 comply with any requirement of article three-a, chapter
25 twenty-nine-a of this code relating to the promulgation of
26 rules at any stage of the promulgation process prior to
27 authorization by the Legislature in this article.

§18B-17-2. Board of trustees.

1 (a) The legislative rules filed in the state register on the
2 third day of December, one thousand nine hundred ninety-
3 one, modified by the board of trustees to meet the objec-
4 tions of the legislative oversight commission on education

5 accountability and refiled in the state register on the
6 twenty-first day of January, one thousand nine hundred
7 ninety-two, relating to the board of trustees (report card),
8 are authorized.

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

13 (c) The legislative rules filed in the state register on the
14 eighth day of September, one thousand nine hundred
15 ninety-two, relating to the board of trustees (holidays), are
16 authorized.

17 (d) The legislative rules filed in the state register on the
18 third day of April, one thousand nine hundred ninety-two,
19 relating to the board of trustees (alcoholic beverages on
20 campuses), are authorized.

21 (e) The legislative rules filed in the state register on the
22 fifteenth day of November, one thousand nine hundred
23 ninety-three, relating to the board of trustees (acceptance
24 of advanced placement credit), are authorized.

25 (f) The legislative rules filed in the state register on the
26 thirteenth day of December, one thousand nine hundred
27 ninety-three, modified by the board of trustees to meet the
28 objections of the legislative oversight commission on
29 education accountability and refiled in the state register
30 on the twenty-first day of January, one thousand nine
31 hundred ninety-four, relating to the board of trustees
32 (assessment, payment and refund of fees), are authorized.

33 (g) The legislative rules filed in the state register on the
34 first day of November, one thousand nine hundred ninety-
35 three, modified by the board of trustees to meet the
36 objections of the legislative oversight commission on
37 education accountability and refiled in the state register
38 on the twenty-first day of December, one thousand nine

39 hundred ninety-three, relating to the board of trustees
40 (personnel administration), are authorized.

41 (h) The legislative rules filed in the state register on the
42 twenty-seventh day of January, one thousand nine hun-
43 dred ninety-four, relating to the board of trustees (re-
44 source allocation policy), are authorized.

45 (i) The legislative rules filed in the state register on the
46 fourth day of December, one thousand nine hundred
47 ninety-five, modified by the board of trustees to meet the
48 objections of the legislative oversight commission on
49 education accountability and refiled in the state register
50 on the fifteenth day of February, one thousand nine
51 hundred ninety-six, relating to the board of trustees
52 (higher education report card), are authorized.

53 (j) The legislative rules filed in the state register on the
54 nineteenth day of December, one thousand nine hundred
55 ninety-seven, relating to the board of trustees
56 (Underwood-Smith teacher scholarship program), are
57 authorized.

58 (k) The legislative rules filed in the state register on the
59 third day of September, one thousand nine hundred
60 ninety-nine, modified by the board of trustees to meet the
61 objections of the legislative oversight commission on
62 education accountability and refiled in the state register
63 on the fourth day of November, one thousand nine hun-
64 dred ninety-nine, relating to the board of trustees (higher
65 education adult part-time student grant program), are
66 authorized.

67 (l) The legislative rules filed in the state register on the
68 fourth day of November, one thousand nine hundred
69 ninety-nine, modified by the board of trustees to meet the
70 objections of the legislative oversight commission on
71 education accountability and refiled in the state register
72 on the twenty-eighth day of January, two thousand,

73 relating to the board of trustees (engineering, science and
74 technology scholarship program), are authorized.

75 (m) The legislative rules filed in the state register on the
76 eleventh day of August, two thousand, relating to the
77 board of trustees (reduced tuition and fee program for
78 state residents who are at least sixty-five years of age), are
79 authorized.

§18B-17-3. Board of directors.

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

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

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

17 (d) The legislative rules filed in the state register on the
18 nineteenth day of March, one thousand nine hundred
19 ninety-two, as modified and refiled in the state register on
20 the tenth day of July, one thousand nine hundred ninety-
21 two, relating to the board of directors (presidential
22 appointments, responsibilities and evaluations), are
23 authorized.

24 (e) The legislative rules filed in the state register on the
25 twentieth day of September, one thousand nine hundred

26 ninety-three, relating to the board of directors (acceptance
27 of advanced placement credit), are authorized.

28 (f) The legislative rules filed in the state register on the
29 tenth day of December, one thousand nine hundred ninety-
30 three, relating to the board of directors (resource alloca-
31 tion policy), are authorized.

32 (g) The legislative rules filed in the state register on the
33 eighth day of December, one thousand nine hundred
34 ninety-three, modified by the board of directors to meet
35 the objections of the legislative oversight commission on
36 education accountability and refiled in the state register
37 on the eleventh day of January, one thousand nine hun-
38 dred ninety-four, relating to the board of directors (assess-
39 ment, payment and refund of fees), are authorized.

40 (h) The legislative rules filed in the state register on the
41 first day of November, one thousand nine hundred ninety-
42 three, modified by the board of directors to meet the
43 objections of the legislative oversight commission on
44 education accountability and refiled in the state register
45 on the twenty-first day of December, one thousand nine
46 hundred ninety-three, relating to the board of directors
47 (personnel administration), are authorized.

48 (i) The legislative rules filed in the state register on the
49 twenty-seventh day of October, one thousand nine hun-
50 dred ninety-four, modified by the board of directors to
51 meet the objections of the legislative oversight commission
52 on education accountability and refiled in the state
53 register on the nineteenth day of December, one thousand
54 nine hundred ninety-four, relating to the board of direc-
55 tors (proprietary, correspondence, business, occupational
56 and trade schools), are authorized.

57 (j) The legislative rules filed in the state register on the
58 eighteenth day of April, one thousand nine hundred
59 ninety-five, relating to the board of directors (contracts

60 and consortium agreements with public schools, private
61 schools or private industry), are authorized.

62 (k) The legislative rules filed in the state register on the
63 seventeenth day of November, one thousand nine hundred
64 ninety-five, modified by the board of directors to meet the
65 objections of the legislative oversight commission on
66 education accountability and refiled in the state register
67 on the fourth day of January, one thousand nine hundred
68 ninety-six, relating to the board of directors (higher
69 education report cards), are authorized.

70 (l) The legislative rules filed in the state register on the
71 nineteenth day of December, one thousand nine hundred
72 ninety-seven, relating to the board of directors
73 (Underwood-Smith teacher scholarship program), are
74 authorized.

75 (m) The legislative rules filed in the state register on the
76 ninth day of December, one thousand nine hundred ninety-
77 nine, relating to the board of directors (increased flexibil-
78 ity for freestanding community and technical colleges), are
79 authorized.

80 (n) The legislative rules filed in the state register on the
81 third day of September, one thousand nine hundred
82 ninety-nine, modified by the board of directors to meet the
83 objections of the legislative oversight commission on
84 education accountability and refiled in the state register
85 on the fourth day of November, one thousand nine hun-
86 dred ninety-nine, relating to the board of directors (higher
87 education adult part-time student grant program), are
88 authorized.

89 (o) The legislative rules filed in the state register on the
90 fourth day of November, one thousand nine hundred
91 ninety-nine, modified by the board of directors to meet the
92 objections of the legislative oversight commission on
93 education accountability and refiled in the state register
94 on the twenty-eighth day of January, two thousand,

95 relating to the board of directors (engineering, science and
96 technology scholarship program), are authorized.

97 (p) The legislative rules filed in the state register on the
98 twelfth day of June, two thousand, relating to the board of
99 directors (reduced tuition and fee program for state
100 residents who are at least sixty-five years of age), are
101 authorized.

§18B-17-4. Higher education policy commission.

1 The legislative rule filed in the state register on the
2 second day of February, two thousand one, and modified
3 and refiled on the third day of April, two thousand one,
4 relating to the higher education policy commission (higher
5 education finance policy), are authorized.

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

Larry P. Sims
.....
Chairman Senate Committee

Tommy Thompson
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell E. White
.....
Clerk of the Senate

Gregory D. Boy
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Jeff Kinison
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
Day of *April*, 2001.
Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/01

Time 5:10 pm