

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-14-82

WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1982

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ENROLLED

SENATE BILL NO. 3

(By Mr. McGraw, Mr. President.)

—•—
PASSED April 3, 1982
In Effect June 11, 1982 ~~Passage~~



ENROLLED
Senate Bill No. 3

(BY MR. MCGRAW, MR. PRESIDENT)

[Passed April 3, 1982; effective June 11, 1982.]

AN ACT to amend article eighteen-b, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve, relating generally to the implementation of Enrolled Committee Substitute for Senate Bill ^{no.} 409, enacted by the Legislature during the regular session thereof in the year one thousand nine hundred eighty-two; permitting such provisions to be so implemented notwithstanding requirements for promulgation of legislative rules relating to the state mortgage and industrial development investment pool; permitting the promulgation of procedural, interpretive or legislative rules with respect thereto as emergency rules to be effective upon the filing thereof; removing the requirement of certain findings with respect to such rules; limiting or prohibiting certain actions for review of such rules in certain cases; and the contents of certain deeds, deeds of trust, mortgages and other documents used with respect to transactions arising pursuant to said article.

Jaw

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 18B. MORTGAGE AND INDUSTRIAL DEVELOPMENT
INVESTMENT POOL.**

**§31-18B-12. Rules of construction and interpretation for prompt
implementation of this article.**

1 It is the intent of the Legislature that the housing
2 development fund shall proceed with the implementation of
3 this article promptly upon the effective date of this article
4 under the provisions of this section and of Enrolled
5 Committee Substitute for Senate Bill No. 409, enacted at the
6 regular session of the Legislature in the year one thousand
7 nine hundred eighty-two.

8 Notwithstanding the provisions of sections seven and eight
9 of this article for the promulgation of legislative rules and
10 notwithstanding any contrary provisions of chapter
11 twenty-nine-a of this code:

12 (1) The housing development fund may promulgate
13 emergency rules pursuant to the provisions of section fifteen,
14 article three, chapter twenty-nine-a of this code to implement
15 this article. Any such emergency rule, whether procedural,
16 interpretive or legislative, shall be effective upon filing
17 thereof in the state register. No findings of circumstances to
18 justify such emergency rules shall be required; such
19 emergency rules shall be deemed to have been promulgated
20 to comply with a time limitation established by this code. No
21 action shall lie for de novo or other review of such rule to
22 contest or question the existence of circumstances justifying
23 the promulgation of an emergency rule nor to challenge the
24 validity of such rule because of its classification as an
25 emergency rule: *Provided*, That no such rule shall suspend
26 the provisions of section eight of this article.

27 (2) Any deed, deed of trust, mortgage or other instrument
28 or document utilized in connection with any transaction
29 arising under or affected by this article may contain
30 provisions related to any emergency rule promulgated under
31 this section and any extension or amendment thereof and
32 shall, to the extent the instrument or document so provides,
33 fully bind and be enforceable by the parties thereto as if such
34 rule had been properly made effective under law and whether
35 or not such rule thereafter expires or is revoked: *Provided*,
36 That no such provision or agreement under this subdivision
37 shall suspend the provisions of this article or exceed its
38 limitations.

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

R. P. Bayler

Chairman Senate Committee

Jonny E. Whitlow

Chairman House Committee

Originated in the Senate.

To take effect June 11, 1982.

Todd C. Waits

Clerk of the Senate

U. Blankenship

Clerk of the House of Delegates

Warren P. Mason

President of the Senate

W. H. Lee, Jr.

Speaker House of Delegates

The within *approved* this the *14*
day of *April*, 1982.

John R. Rhyker

Governor



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