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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for
HOUSE BILL No. 2710

(By Mr. *Speaker, Mr. Chambers, Del. R. Burk*.)
[By Request of the *Executive*]

— ● —

Passed *April 8,* 1989

In Effect *Ninety Days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2710

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE R. BURK)
[By Request of the Executive]

[Passed April 8, 1989; in effect ninety days from passage.]

AN ACT to amend section three, article one, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article three of said chapter by adding thereto two new sections, designated sections one-a and one-b, relating to requiring rules related to the conduct of students at public schools or public educational institutions to follow the administrative procedure act; permitting agencies to file amendments to existing rules and emergency amendments on a section by section basis and to allow the tax department to provide copies of tax rules, charge a fee and deposit such fees into the tax commissioner's office account.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. DEFINITIONS AND APPLICATION OF CHAPTER.

§29A-1-3. Application of chapter; limitations.

1 (a) The provisions of this chapter do not apply in any
2 respect whatever to executive orders of the governor,
3 which orders to the extent otherwise lawful shall be
4 effective according to their terms: *Provided*, That the
5 executive orders shall be admitted to record in the state
6 register when and to the extent the governor deems
7 suitable and shall be included therein by the secretary
8 of state when tendered by the governor.

9 (b) Except as to requirements for filing in the state
10 register, and with the Legislature or its rule-making
11 review committee, provided in this chapter or other law,
12 the provisions of this chapter do not apply in any respect
13 whatever to the West Virginia board of probation and
14 parole, the public service commission, the board of
15 public works sitting as such and the West Virginia
16 board of regents: *Provided*, That rules of such agencies
17 shall be filed in the state register in the form prescribed
18 by this chapter and be effective no sooner than sixty
19 consecutive days after being so filed: *Provided, however*,
20 That the rules promulgated by the state colleges and
21 universities shall only be filed with the West Virginia
22 board of regents: *Provided further*, That such agencies
23 may promulgate emergency rules in conformity with
24 section fifteen, article three of this chapter.

25 (c) The provisions of this chapter do not apply to rules
26 relating to or contested cases involving the conduct of
27 inmates or other persons admitted to public institutions,
28 the open seasons and the bag, creel, size, age, weight and
29 sex limits with respect to the wildlife in this state, the
30 conduct of persons in military service or the receipt of
31 public assistance. Such rules shall be filed in the state
32 register in the form prescribed by this chapter and be
33 effective upon filing.

34 (d) Nothing herein shall be construed to affect, limit
35 or expand any express and specific exemption from this
36 chapter contained in any other statute relating to a
37 specific agency, but such exemptions shall be construed
38 and applied in accordance with the provisions of this
39 chapter to effectuate any limitations on such exemptions
40 contained in any such other statute.

ARTICLE 3. RULE MAKING.

§29A-3-1a. Filing proposed amendments to an existing rule.

1 (a) Rules promulgated to amend existing rules may be
2 filed on a section by section basis without having to
3 refile in the state register all of the other sections of an
4 existing series numbered rule: *Provided*, That such
5 filing shall list, by proper citation, those sections, not
6 amended, which are directly affected by those sections
7 amended: *Provided, however*, That amendments so filed
8 shall be accompanied by a note of explanation as to the
9 effect of such amendment and its relation to the existing
10 rules.

11 (b) Rules promulgated to amend existing rules and
12 filed as an emergency rule may be filed on a section by
13 section basis without having to refile in the state
14 register all of the other sections of an existing series
15 numbered rule: *Provided*, That such filing shall list, by
16 proper citation, those sections not amended, which are
17 directly affected by those sections amended.

§29A-3-1b. Rules of the tax department.

1 Notwithstanding the provisions of section eight,
2 article two of this chapter, the tax commissioner may
3 reproduce the same in his state tax bulletin and may,
4 upon request, distribute copies of the proposed or
5 emergency rule after such proposed or emergency rule
6 has been filed in the state register and may charge a
7 reasonable fee in an amount set to recover his cost of
8 duplicating and mailing the same. The moneys so
9 received shall be deposited in the treasury to the credit
10 of the tax commissioner's account for printing, office
11 supplies or postage.

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


Chairman Senate Committee

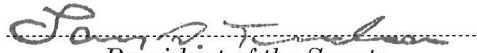

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.



Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 26th
day of April, 1989.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/89

Time 10:29