WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 352

(By Senators Lackt and Welton)

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 twenty-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in sections two and three of this
article, subject only to the limitations set forth with
respect to each such rule in the section or sections of
this chapter authorizing its promulgation. The Legisla-
ture further declares that all rules now or hereafter
authorized under sections two and three of this article
are within the legislative intent of the statute which
the rule is intended to implement, extend, apply or
interpret.

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

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

§18B-17-2. Board of trustees.

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

(b) The legislative rules filed in the state register on
the thirteenth day of July, one thousand nine hundred
ninety-one, relating to the board of trustees (equal
§18B-17. Board of directors.

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

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

(c) The legislative rules filed in the state register on the fourth day of December, one thousand nine hundred ninety-one, relating to the board of directors (holiday policy), are authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 97th day of

Governor
