WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4152

(By Delegates Pino, Douglas, Lynch, Faircloth,)
Staton, Ryan and Riggs

Passed February 1, 1996

In Effect From Passage
AN ACT to amend and reenact section twelve, article three, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the disapproval of proposed legislative rules by the Legislature.

Be it enacted by the Legislature of West Virginia:

That section twelve, article three, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§29A-3-12. Submission of legislative rules to Legislature.

(a) No later than forty days before the sixtieth day of each regular session of the Legislature, the cochairmen of the legislative rule-making review committee shall submit to the clerk of the respective houses of the Legislature copies of all proposed legislative rules which have been submitted to and considered by the committee pursuant to the provisions of section eleven of this article and which have not been previously submitted to the Legislature for study, together with the recommendations of the committee with respect to such rules, a statement of the reasons for any recommendation that a rule be amended or withdrawn and a statement that a bill authorizing the legislative rule has been drafted by the staff of the committee or by legislative services pursuant to section eleven of this article. The cochairman of the committee may also submit such rules at the direction of the
committee at any time before or during a special session in which consideration thereof may be appropriate. The committee may withhold from its report any proposed legislative rule which was submitted to the committee fewer than two hundred twenty-five days before the end of the regular session. The clerk of each house shall submit the report to his or her house at the commencement of the next session.

All bills introduced authorizing the promulgation of a rule may be referred by the speaker of the House of Delegates and by the president of the Senate to appropriate standing committees of the respective houses for further consideration or the matters may be otherwise dealt with as each house or its rules provide. The Legislature may by act authorize the agency to adopt a legislative rule incorporating the entire rule or may authorize the agency to adopt a rule with any amendments which the Legislature shall designate. The clerk of the house originating such act shall forthwith file a copy of any bill of authorization enacted with the secretary of state and with the agency proposing such rule and the clerk of each house may prepare and file a synopsis of legislative action during any session on any proposed rule submitted to the house during such session for which authority to promulgate was not by law provided during such session. In acting upon the separate bills authorizing the promulgation of rules, the Legislature may, by amendment or substitution, combine the separate bills of authorization insofar as the various rules authorized therein are proposed by agencies which are placed under the administration of one of the single separate executive departments identified under the provisions of section two, article one, chapter five-f of this code or the Legislature may combine the separate bills of authorization by agency or agencies within an executive department. In the case of rules proposed for promulgation by an agency which is not administered by an executive department pursuant to the provisions of article two of said chapter, the separate bills of authorization for the proposed rules of that agency may, by amendment or substitution, be combined. The foregoing provisions relating to combining separate bills
of authorization according to department or agency are
not intended to restrict the permissible breadth of bills of
authorization and do not preclude the Legislature from
otherwise combining various bills of authorization which
have a unity of subject matter. Any number of provisions
may be included in a bill of authorization, but the single
object of the bill shall be to authorize the promulgation of
proposed legislative rules.

(b) If the Legislature during its regular session
disapproves all or part of any legislative rule which was
submitted to it by the legislative rule-making review
committee during such session, no agency may thereafter
issue any rule or directive or take other action to
implement such rule or part thereof unless and until
otherwise authorized to do so, except that the agency may
resubmit the same or similar proposed rule to the
legislative rule-making review committee in accordance
with the provisions of section eleven of this article.

(c) Nothing herein shall be construed to prevent the
Legislature by law from authorizing, or authorizing and
directing, an agency to promulgate legislative rules not
proposed by the agency or upon which some procedure
specified in this chapter is not yet complete.

(d) Whenever the Legislature is convened by
proclamation of the governor, upon his or her own
initiative or upon application of the members of the
Legislature, or whenever a regular session of the
Legislature is extended or convened by the vote or
petition of its members, the Legislature may by act
enacted during such extraordinary or extended session
authorize, in whole or in part, any legislative rule
whether, submitted to the legislative rule-making review
committee or not, if legislative action on such rule during
such session is a lawful order of business.

(e) As a part of any act that amends chapter sixty-four
of this code, authorizing the promulgation of a proposed
legislative rule or rules, the Legislature may also provide,
by general language or with specificity, for the
disapproval of rules not approved or acted upon by the
Legislature.
(f) Whenever a date is required by this section to be computed in relation to the end of a regular session of the Legislature, such date shall be computed without regard to any extensions of such session occasioned solely by the proclamation of the governor.

(g) Whenever a date is required to be computed from or is fixed by the first day of a regular session of the Legislature, it shall be computed or fixed in the year one thousand nine hundred eighty-four, and each fourth year thereafter without regard to the second Wednesday of January of such years.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signatures]

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 13th

day of February, 1996.

[Signature]

Governor