

HB 4152

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4152

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



Passed February 1, 1996

In Effect From Passage



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STATE OF WEST VIRGINIA
LEGISLATIVE SERVICES

ENROLLED
H. B. 4152

(BY DELEGATES PINO, DOUGLAS, LINCH, 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.

1 (a) No later than forty days before the sixtieth day of
2 each regular session of the Legislature, the cochairmen of
3 the legislative rule-making review committee shall submit
4 to the clerk of the respective houses of the Legislature
5 copies of all proposed legislative rules which have been
6 submitted to and considered by the committee pursuant to
7 the provisions of section eleven of this article and which
8 have not been previously submitted to the Legislature for
9 study, together with the recommendations of the
10 committee with respect to such rules, a statement of the
11 reasons for any recommendation that a rule be amended
12 or withdrawn and a statement that a bill authorizing the
13 legislative rule has been drafted by the staff of the
14 committee or by legislative services pursuant to section
15 eleven of this article. The cochairman of the committee
16 may also submit such rules at the direction of the

17 committee at any time before or during a special session
18 in which consideration thereof may be appropriate. The
19 committee may withhold from its report any proposed
20 legislative rule which was submitted to the committee
21 fewer than two hundred twenty-five days before the end of
22 the regular session. The clerk of each house shall submit
23 the report to his or her house at the commencement of the
24 next session.

25 All bills introduced authorizing the promulgation of a
26 rule may be referred by the speaker of the House of
27 Delegates and by the president of the Senate to
28 appropriate standing committees of the respective houses
29 for further consideration or the matters may be otherwise
30 dealt with as each house or its rules provide. The
31 Legislature may by act authorize the agency to adopt a
32 legislative rule incorporating the entire rule or may
33 authorize the agency to adopt a rule with any amendments
34 which the Legislature shall designate. The clerk of the
35 house originating such act shall forthwith file a copy of
36 any bill of authorization enacted with the secretary of state
37 and with the agency proposing such rule and the clerk of
38 each house may prepare and file a synopsis of legislative
39 action during any session on any proposed rule submitted
40 to the house during such session for which authority to
41 promulgate was not by law provided during such session.
42 In acting upon the separate bills authorizing the
43 promulgation of rules, the Legislature may, by
44 amendment or substitution, combine the separate bills of
45 authorization insofar as the various rules authorized
46 therein are proposed by agencies which are placed under
47 the administration of one of the single separate executive
48 departments identified under the provisions of section two,
49 article one, chapter five-f of this code or the Legislature
50 may combine the separate bills of authorization by agency
51 or agencies within an executive department. In the case of
52 rules proposed for promulgation by an agency which is
53 not administered by an executive department pursuant to
54 the provisions of article two of said chapter, the separate
55 bills of authorization for the proposed rules of that agency
56 may, by amendment or substitution, be combined. The
57 foregoing provisions relating to combining separate bills

58 of authorization according to department or agency are
59 not intended to restrict the permissible breadth of bills of
60 authorization and do not preclude the Legislature from
61 otherwise combining various bills of authorization which
62 have a unity of subject matter. Any number of provisions
63 may be included in a bill of authorization, but the single
64 object of the bill shall be to authorize the promulgation of
65 proposed legislative rules.

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

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

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

92 (e) As a part of any act that amends chapter sixty-four
93 of this code, authorizing the promulgation of a proposed
94 legislative rule or rules, the Legislature may also provide,
95 by general language or with specificity, for the
96 disapproval of rules not approved or acted upon by the
97 Legislature.

98 (f) Whenever a date is required by this section to be
99 computed in relation to the end of a regular session of the
100 Legislature, such date shall be computed without regard to
101 any extensions of such session occasioned solely by the
102 proclamation of the governor.

103 (g) Whenever a date is required to be computed from
104 or is fixed by the first day of a regular session of the
105 Legislature, it shall be computed or fixed in the year one
106 thousand nine hundred eighty-four, and each fourth year
107 thereafter without regard to the second Wednesday of
108 January of such years.

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

Candy Schorger
Chairman Senate Committee

Ludy Lewis
Chairman House Committee

Originating in the House.

Takes effect from passage.

Parrell Robbins
Clerk of the Senate

Bryony Pa. Gray
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Carl Albert
Speaker of the House of Delegates

The within *is approved* this the *13th*
day of *February*, 1996.

Garston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 2/7/96

Time 1:15 pm