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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

Com. Sub. for House Bill No. 4144

(Delegates Hunt, Linch, Compton, Jenkins,
Faircloth, and Riggs)



Passed March 12, 1998

In Effect from Passage

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SENATE AND HOUSE

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COMMITTEE SUBSTITUTE
FOR
H. B. 4144

(BY DELEGATES HUNT, LINCH, COMPTON, JENKINS,
FAIRCLOTH AND RIGGS)

[Passed March 12, 1998; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article two of said chapter; to further amend said article by adding thereto a new section, designated section two, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain agencies to promulgate legislative rules as amended by the Legislature; authorizing department of administration to promulgate legislative rules relating to purchasing card program; and authorizing division of personnel to promulgate legislative rules relating to administrative rules.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

1 Under the provisions of article three, chapter twenty-
2 nine-a of the code of West Virginia, the Legislature
3 expressly authorizes the promulgation of the rules
4 described in articles two through eleven of this chapter,
5 subject only to the limitations set forth with respect to each
6 such rule in the section or sections of this chapter
7 authorizing its promulgation. The Legislature declares
8 that all rules now or hereafter authorized under articles
9 two through eleven of this chapter are within the legislative
10 intent of the statute which the rule is intended to
11 implement, extend, apply or interpret. Legislative rules
12 promulgated pursuant to the provisions of articles one
13 through eleven of this chapter in effect at the effective
14 date of this section shall continue in full force and effect
15 until reauthorized in this chapter by legislative enactment,
16 or until amended by emergency rule pursuant to the
17 provisions of article three, chapter twenty-nine-a of this
18 code.

19 All proposed legislative rules for which bills of
20 authorization have been introduced in the Legislature not
21 specifically authorized under articles two through eleven
22 of this chapter are disapproved by the Legislature.

**ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF
ADMINISTRATION TO PROMULGATE
LEGISLATIVE RULES.**

§64-2-1. Department of administration and the auditor.

1 The legislative rule filed in the state register on the
2 first day of August, one thousand nine hundred ninety-
3 seven, under the authority of section ten-a, article three,
4 chapter twelve of this code, modified by the department of

5 administration and the auditor to meet the objections of
6 the legislative rule-making review committee and refiled in
7 the state register on the eighteenth day of September, one
8 thousand nine hundred ninety-seven, relating to the
9 department of administration and the auditor (state
10 purchasing card program, 148 CSR 7), is authorized.

§64-2-2. Division of personnel.

1 The legislative rule filed in the state register on the
2 first day of August, one thousand nine hundred
3 ninety-seven, under the authority of section ten, article six,
4 chapter twenty-nine, of this code, modified by the division
5 of personnel to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the seventh day of January, one thousand nine
8 hundred ninety-eight, relating to the division of personnel
9 (administrative rule of the West Virginia division of
10 personnel, 143 CSR 1), is authorized, with the following
11 amendment:

12 “On page 35, Subsection 12.6, by following the words
13 ‘wage or salary’ by inserting the following: ‘or is paid
14 temporary total disability under the provisions of section
15 one, article four, chapter twenty-three of this code.’”

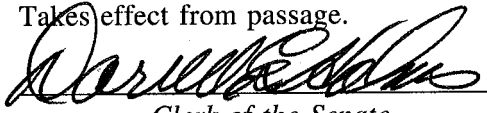
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

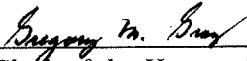

Chairman Senate Committee

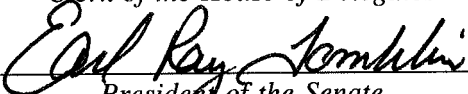

Chairman House Committee

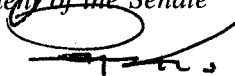
Originating in the House.

Takes effect from passage.

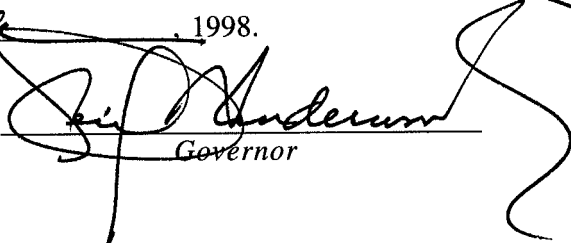

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 25th
day of March, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 4:03p