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
ENROLLED

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-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in articles two through eleven of this chapter, 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 Legislature declares that all rules now or hereafter authorized under articles two through eleven of this chapter are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret. Legislative rules promulgated pursuant to the provisions of articles one through eleven of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment, or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

19 All proposed legislative rules for which bills of authorization have been introduced in the Legislature not specifically authorized under articles two through eleven 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 first day of August, one thousand nine hundred ninety-seven, under the authority of section ten-a, article three, chapter twelve of this code, modified by the department of
administration and the auditor to meet the objections of
the legislative rule-making review committee and refiled in
the state register on the eighteenth day of September, one
thousand nine hundred ninety-seven, relating to the
department of administration and the auditor (state
purchasing card program, 148 CSR 7), is authorized.

§64-2-2. Division of personnel.

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

"On page 35, Subsection 12.6, by following the words
wage or salary’ by inserting the following: ‘or is paid
temporary total disability under the provisions of section
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 9:03