

HB 2637

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STATE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2637

(By Delegates Staton, Amores, Hunt,
Linch, Stemple, Schadler and Faircloth)



Passed March 9, 1999

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK
SECRETARY OF STATE

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H. B. 2637

(BY DELEGATES STATON, AMORES, HUNT,
LINCH, STEMPLE, SCHADLER AND FAIRCLOTH)

[Passed March 9, 1999; in effect ninety days from passage.]

AN ACT to amend article three, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eighteen, relating to establishing a severability clause for legislative rules.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eighteen, to read as follows:

ARTICLE 3. RULE MAKING.

§29A-3-18. Severability of legislative rules.

1 Unless there is a provision in a legislative rule specifying
2 that the provisions thereof shall not be severable, the provisions
3 of every legislative rule, whether enacted before or subsequent
4 to the effective date of this section, shall be severable so that if
5 any provision of any rule section or amendment thereto is held
6 to be unconstitutional or void, the remaining provisions of the
7 rule shall remain valid, unless the court finds the valid provi-
8 sions are so essentially and inseparably connected with, and so

9 dependent upon, the unconstitutional or void provision that the
10 court cannot presume the Legislature would have enacted the
11 remaining valid provisions without the unconstitutional or void
12 one, or unless the court finds the remaining valid provisions,
13 standing alone, are incomplete and are incapable of being
14 executed in accordance with the legislative intent: *Provided,*
15 That if any legislative rule has its own severability clause, then
16 that severability clause shall govern and control with respect to
17 that section, in lieu of the provisions of this section. The
18 provisions of this section shall be fully applicable to all future
19 amendments to legislative rules, with like effect as if the
20 provisions of this section were set forth in extenso and every
21 such amendment were reenacted as a part thereof, unless such
22 amendment to the legislative rule contains its own severability
23 clause.

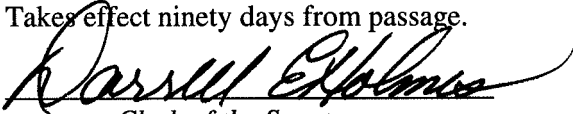
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

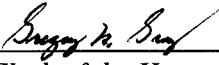

Chairman Senate Committee


Chairman House Committee


Originating in the House.

Takes effect ninety days from passage.

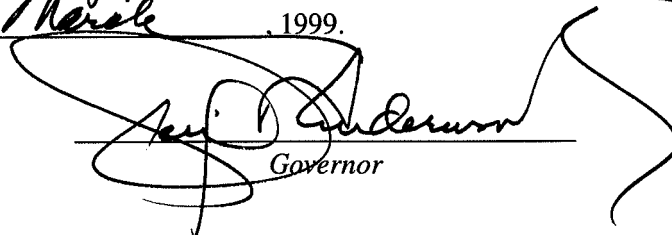

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 30th
day of March, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/99

Time 3:33 pm