WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED

SENATE BILL NO. 724
(Originating in the Committee on
(By Senator

PASSED April 12, 2001
In Effect From Passage
AN ACT to amend and reenact sections one, two and three, article seventeen, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section four, all relating to authorizing rules; board of trustees; board of directors; higher education policy commission; reduced tuition and fee program for state residents who are at least sixty-five years of age; and higher education finance policy.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 17. LEGISLATIVE RULES.
§18B-17-1. Legislative authorization; effective date of rules; technical deficiencies waived.

(a) Under the provisions of article three-a, chapter twenty-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in this article, subject only to the limitations set forth with respect to each rule in the section or sections of this chapter authorizing its promulgation. The Legislature further declares that all rules now or hereafter authorized in this article are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret.

(b) The effective date of the legislative rules authorized in this article is governed by the provisions of section fourteen, article three-a, chapter twenty-nine-a of this code unless the governing board promulgating the rules establishes an effective date which is earlier than that provided by that section, in which case the effective date established by the governing board shall control, unless the Legislature, in the bill authorizing the rules, establishes an effective date for the rules, in which case the effective date established by the Legislature controls.

(c) The Legislature further declares each legislative rule now or hereafter authorized under this article to have been validly promulgated, notwithstanding any failure to comply with any requirement of article three-a, chapter twenty-nine-a of this code relating to the promulgation of rules at any stage of the promulgation process prior to authorization by the Legislature in this article.

§18B-17-2. Board of trustees.

(a) The legislative rules filed in the state register on the third day of December, one thousand nine hundred ninety-one, modified by the board of trustees to meet the objections of the legislative oversight commission on education
accountability and refiled in the state register on the
twenty-first day of January, one thousand nine hundred
ninety-two, relating to the board of trustees (report card),
are authorized.

(b) The legislative rules filed in the state register on the
thirteenth day of July, one thousand nine hundred ninety-
one, relating to the board of trustees (equal opportunity
and affirmative action), are authorized.

(c) The legislative rules filed in the state register on the
eighth day of September, one thousand nine hundred
ninety-two, relating to the board of trustees (holidays), are
authorized.

(d) The legislative rules filed in the state register on the
third day of April, one thousand nine hundred ninety-two,
relating to the board of trustees (alcoholic beverages on
campuses), are authorized.

(e) The legislative rules filed in the state register on the
fifteenth day of November, one thousand nine hundred
ninety-three, relating to the board of trustees (acceptance
of advanced placement credit), are authorized.

(f) The legislative rules filed in the state register on the
thirteenth day of December, one thousand nine hundred
ninety-three, modified by the board of trustees to meet the
objections of the legislative oversight commission on
education accountability and refiled in the state register
on the twenty-first day of January, one thousand nine
hundred ninety-four, relating to the board of trustees
(assessment, payment and refund of fees), are authorized.

(g) The legislative rules filed in the state register on the
first day of November, one thousand nine hundred ninety-
three, modified by the board of trustees to meet the
objections of the legislative oversight commission on
education accountability and refiled in the state register
on the twenty-first day of December, one thousand nine
The legislative rules filed in the state register on the twenty-seventh day of January, one thousand nine hundred ninety-four, relating to the board of trustees (personnel administration), are authorized.

The legislative rules filed in the state register on the fourth day of December, one thousand nine hundred ninety-five, modified by the board of trustees to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the fifteenth day of February, one thousand nine hundred ninety-six, relating to the board of trustees (higher education report card), are authorized.

The legislative rules filed in the state register on the nineteenth day of December, one thousand nine hundred ninety-seven, relating to the board of trustees (Underwood-Smith teacher scholarship program), are authorized.

The legislative rules filed in the state register on the third day of September, one thousand nine hundred ninety-nine, modified by the board of trustees to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the fourth day of November, one thousand nine hundred ninety-nine, relating to the board of trustees (higher education adult part-time student grant program), are authorized.

The legislative rules filed in the state register on the fourth day of November, one thousand nine hundred ninety-nine, modified by the board of trustees to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the twenty-eighth day of January, two thousand,
relating to the board of trustees (engineering, science and technology scholarship program), are authorized.

(m) The legislative rules filed in the state register on the eleventh day of August, two thousand, relating to the board of trustees (reduced tuition and fee program for state residents who are at least sixty-five years of age), are authorized.

§18B-17-3. Board of directors.

(a) The legislative rules filed in the state register on the sixteenth day of December, one thousand nine hundred ninety-one, modified by the board of directors to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the twenty-first day of January, one thousand nine hundred ninety-two, relating to the board of directors (report card), are authorized.

(b) The legislative rules filed in the state register on the twenty-seventh day of September, one thousand nine hundred ninety-one, relating to the board of directors (equal opportunity and affirmative action), are authorized.

(c) The legislative rules filed in the state register on the fourth day of December, one thousand nine hundred ninety-one, relating to the board of directors (holiday policy), are authorized.

(d) The legislative rules filed in the state register on the nineteenth day of March, one thousand nine hundred ninety-two, as modified and refiled in the state register on the tenth day of July, one thousand nine hundred ninety-two, relating to the board of directors (presidential appointments, responsibilities and evaluations), are authorized.

(e) The legislative rules filed in the state register on the twentieth day of September, one thousand nine hundred
(f) The legislative rules filed in the state register on the tenth day of December, one thousand nine hundred ninety-three, relating to the board of directors (resource allocation policy), are authorized.

(g) The legislative rules filed in the state register on the eighth day of December, one thousand nine hundred ninety-three, modified by the board of directors to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the eleventh day of January, one thousand nine hundred ninety-four, relating to the board of directors (assessment, payment and refund of fees), are authorized.

(h) The legislative rules filed in the state register on the first day of November, one thousand nine hundred ninety-three, modified by the board of directors to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the twenty-first day of December, one thousand nine hundred ninety-three, relating to the board of directors (personnel administration), are authorized.

(i) The legislative rules filed in the state register on the twenty-seventh day of October, one thousand nine hundred ninety-four, modified by the board of directors to meet the objections of the legislative oversight commission on education accountability and refiled in the state register on the nineteenth day of December, one thousand nine hundred ninety-four, relating to the board of directors (proprietary, correspondence, business, occupational and trade schools), are authorized.

(j) The legislative rules filed in the state register on the eighteenth day of April, one thousand nine hundred ninety-five, relating to the board of directors (contracts
and consortium agreements with public schools, private
schools or private industry), are authorized.

(k) The legislative rules filed in the state register on the
seventeenth day of November, one thousand nine hundred
ninety-five, modified by the board of directors to meet the
objections of the legislative oversight commission on
education accountability and refiled in the state register
on the fourth day of January, one thousand nine hundred
ninety-six, relating to the board of directors (higher
education report cards), are authorized.

(l) The legislative rules filed in the state register on the
nineteenth day of December, one thousand nine hundred
ninety-seven, relating to the board of directors
(Underwood-Smith teacher scholarship program), are
authorized.

(m) The legislative rules filed in the state register on the
ninth day of December, one thousand nine hundred ninety-nine, relating to the board of directors (increased flexibil-
ity for freestanding community and technical colleges), are
authorized.

(n) The legislative rules filed in the state register on the
third day of September, one thousand nine hundred
ninety-nine, modified by the board of directors to meet the
objections of the legislative oversight commission on
education accountability and refiled in the state register
on the fourth day of November, one thousand nine hun-
dred ninety-nine, relating to the board of directors (higher
education adult part-time student grant program), are
authorized.

(o) The legislative rules filed in the state register on the
fourth day of November, one thousand nine hundred
ninety-nine, modified by the board of directors to meet the
objections of the legislative oversight commission on
education accountability and refiled in the state register
on the twenty-eighth day of January, two thousand,
relating to the board of directors (engineering, science and technology scholarship program), are authorized.

(p) The legislative rules filed in the state register on the twelfth day of June, two thousand, relating to the board of directors (reduced tuition and fee program for state residents who are at least sixty-five years of age), are authorized.

§18B-17-4. Higher education policy commission.

The legislative rule filed in the state register on the second day of February, two thousand one, and modified and refiled on the third day of April, two thousand one, relating to the higher education policy commission (higher education finance policy), are authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 23rd Day of April, 2001.

Governor
PRESENTED TO THE
GOVERNOR
Date: 11/19/01
Time: 5:10 pm