WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 459

(By Senators Plymale, Edgell, Bailey, Green, Hunter, Oliverio, Stollings, Wells, Boley, Guills and Hall)

[Passed February 14, 2008; in effect from passage.]
ENROLLED

Senate Bill No. 459

(By Senators Plymale, Edgell, Bailey, Green, Hunter, Oliverio, Stollings, Wells, Boley, Guill$ and Hall)

[Passed February 14, 2008; in effect from passage.]

AN ACT to amend and reenact §18-9D-20 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9D-21; and to amend and reenact §18B-17-2 of said code, all relating to education rules; authority of School Building Authority to promulgate rules; determining effective dates; waiving technical deficiencies; and authorizing rules of the School Building Authority and the Higher Education Policy Commission.

Be it enacted by the Legislature of West Virginia:
That §18-9D-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §18-9D-21; and that §18B-17-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 9D. SCHOOL BUILDING AUTHORITY.

§18-9D-20. Authority to promulgate rules; legislative authorization; effective date of rules; technical deficiencies waived.

(a) The authority is hereby empowered to promulgate, adopt, amend or repeal rules in accordance with the provisions of article three-a, chapter twenty-nine-a of this code.

(b) All rules adopted or promulgated by the authority and in effect on the eighth day of June, two thousand seven, shall be refiled pursuant to the provisions of article three-a, chapter twenty-nine-a of this code on or before the first day of September, two thousand seven.

(1) Any interpretive or procedural rule shall continue in effect until rescinded or appropriately refiled by the authority.

(2) Any legislative rule shall continue in effect until approved or rejected by the Legislature or rescinded by the authority.

(c) Under the provisions of article three-a, chapter twenty-nine-a of this code, the Legislature expressly authorizes the promulgation of the rules described in
this article, subject only to the limitations with respect
to each rule set forth by law 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.

(d) The effective date of a legislative rule authorized
in section twenty-one of this article is governed by the
provisions of section fourteen, article three-a, chapter
twenty-nine-a of this code under the following
conditions:

(1) The School Building Authority, in promulgating
the rule, establishes an effective date which is earlier
than that provided by that section, in which case the
effective date established by the authority controls; or

(2) The Legislature, in the bill authorizing the rule,
establishes an effective date for the rule, in which case
the effective date established by the Legislature
controls.

(e) 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.


(a) The legislative rule filed in the State Register on
the twenty-seventh day of September, two thousand seven, relating to the School Building Authority (School Building Authority requirements for Comprehensive Educational Facility Plan rule) is authorized.

(b) The legislative rule filed in the State Register on the twenty-seventh day of September, two thousand seven, relating to the School Building Authority (funding School Building Authority projects rule) is authorized.

(c) The legislative rule filed in the State Register on the twenty-seventh day of September, two thousand seven, relating to the School Building Authority (School Building Authority school planning and design criteria rule) is authorized.

(d) The legislative rule filed in the State Register on the twenty-seventh day of September, two thousand seven, relating to the School Building Authority (School Building Authority project administration and review rule) is authorized.

(e) The legislative rule filed in the State Register on the twenty-seventh day of September, two thousand seven, and amended by the School Building Authority and refiled on the tenth day of December, two thousand seven, relating to the School Building Authority (School Building Authority contract and agreements rule) is authorized.

(f) The legislative rule filed in the State Register on the twenty-seventh day of September, two thousand seven, relating to the School Building Authority (School Building Authority reporting procedures rule) is
(g) The legislative rule filed in the State Register on the twelfth day of July, two thousand seven, and amended by the School Building Authority and refiled on the twenty-eighth day of December, two thousand seven, relating to the School Building Authority (School Access Safety Act rule) is authorized.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 17. LEGISLATIVE RULES.


(a) The legislative rule filed in the State Register on the fifteenth day of October, two thousand four, relating to the Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program rule) is authorized.

(b) The legislative rule filed in the State Register on the fifteenth day of October, two thousand four, relating to the Higher Education Policy Commission (West Virginia Engineering, Science and Technology Scholarship Program rule) is authorized.

(c) The legislative rule filed in the State Register on the fifteenth day of October, two thousand four, relating to the Higher Education Policy Commission (Medical Education Fee and Medical Student Loan Program rule) is authorized.

(d) The legislative rule filed in the State Register on the twenty-seventh day of October, two thousand five,
relating to the Higher Education Policy Commission (authorization of degree-granting institutions) is authorized.

(e) The legislative rule filed in the State Register on the twenty-third day of August, two thousand six, relating to the Higher Education Policy Commission (West Virginia Higher Education Grant Program) is authorized.

(f) The legislative rule filed in the State Register on the fourth day of January, two thousand eight, relating to the Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student Excellence - PROMISE) is 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 19th Day of January, 2008.

Governor
PRESENTED TO THE GOVERNOR

FEB 13 2008

Time 2:37 PM