

SB 314
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 314

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER AND BOLEY, *original sponsors*)

[Passed March 5, 2007; in effect from passage.]

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 314

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER AND BOLEY, *original sponsors*)

[Passed March 5, 2007; in effect from passage.]

AN ACT to amend and reenact article 4, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Education and the Arts and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the Department of Education and the Arts; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-making Review

Committee; authorizing the Library Commission to promulgate a legislative rule relating to the Library Commission administrative rule; authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to case services; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to resources manual.

Be it enacted by the Legislature of West Virginia:

That article 4, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. AUTHORIZATION FOR DEPARTMENT OF EDUCATION
AND THE ARTS TO PROMULGATE LEGISLATIVE
RULES.**

§64-4-1. Library Commission.

1 The legislative rule filed in the State Register on the
2 twenty-third day of May, two thousand six, authorized
3 under the authority of section twenty, article one,
4 chapter ten of this code, modified by the Library
5 Commission to meet the objections of the Legislative
6 Rule-Making Review Committee and refiled in the State
7 Register on the sixteenth day of January, two thousand
8 seven, relating to the Library Commission (Library
9 Commission administrative rule, 173 CSR 1) is
10 authorized with the following amendments:

11 On page 4, by striking the section heading and
12 inserting the following, "§173-1-3 Requirements for
13 Receiving Grants."; and

14 On page 4, following the section heading for section
15 173-1-3 by inserting a new subsection designated as 3.1,
16 to read as follows: "3.1 A public library must fulfill all
17 of the requirements set forth in this section to be
18 eligible to receive a grant from the library commission."
19 and renumbering the remaining subsections
20 accordingly;

21 and,

22 On page 7, subsection 5.2, by striking the subsection
23 in its entirety and inserting in lieu thereof the following:

24 5.1 The eligibility requirements contained in section
25 3 of this rule may be waived if the Commission
26 determines that due to exceptional or uncontrollable
27 circumstances, one or more of the requirements for
28 receiving grants contained in section 3 would impose an
29 undue hardship on a public library. For the purposes of
30 this subsection, exceptional or uncontrollable
31 circumstances may include, but are not limited to, a
32 natural or man-made disaster or a governing authority's
33 lack of financial resources to provide adequate local
34 funding to support a public library's operations.

35 On page 8, subsection 5.2, by striking the last sentence
36 of the subsection;

37 and,

38 On page 8 following subsection 5.4, by inserting a new
39 subsection designated as 5.5 to read as follows: "5.5 The
40 provisions of this rule shall be liberally construed to
41 accomplish its objectives and purposes."

42 On page 8, subsection 6.2, by striking the word, "may"
43 and inserting the word, "shall" and by striking the
44 word, "only";

45 and,

46 On page 13, subsection 9.1, after the word, "library"
47 by inserting the word, "shall".

§64-4-2. Division of Rehabilitation Services.

1 (a) The legislative rule filed in the State Register on
2 the twenty-eighth day of July, two thousand six,
3 authorized under the authority of section three, article
4 ten-a, chapter eighteen of this code relating to
5 authorizing the Division of Rehabilitation Services (case
6 services, 130 CSR 1) is authorized.

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7 (b) The legislative rule filed in the State Register on
8 the twenty-eighth day of July, two thousand six,
9 authorized under the authority of section three, article
10 ten-a, chapter eighteen of this code relating to the
11 Division of Rehabilitation Services (resources manual,
12 130 CSR 2) is authorized.

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

Cheryl White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Hobbs
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *19th* Day of *March*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 14 2007

Time 3:10 pm