

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

FILED

JUL 13 3 40 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: University System of West Virginia TITLE NUMBER: 128

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 42

TITLE OF RULE BEING AMENDED: Alcoholic Beverages on Campus

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 377

SECTION 18B-17-2(d), PASSED ON May 12, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: July 13, 1993

Pamela G. Steelhammer

Pamela G. Steelhammer
Assistant to Chancellor

FILED

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OFFICE OF THE
SECRETARY OF STATE

TITLE 128
LEGISLATIVE RULE
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 42

FILED
1992 APR -3 PM 3:47
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Series 42 establishes guidelines relating to the possession or use of alcoholic beverages on the campuses. Revisions to the current rule include the addition of a Purpose Section (Section 2) and a Prohibition Section (Section 4) which prohibits the selling of alcoholic beverages to the general public during athletic events. Section 3 was amended to allow the president to approve on a case-by-case basis, the serving of wine, beer or other alcoholic beverages if consistent with specified rules.

TITLE 128
LEGISLATIVE RULE
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 42

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TITLE 128
LEGISLATIVE RULE
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 42

TITLE: ALCOHOLIC BEVERAGES ON THE CAMPUSES

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes guidelines relating to the possession or use of alcoholic beverages on the campuses.
- 1.2 Authority - W.Va. Code 18B-1-6
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - Repeals and Replaces Board of Regents Series No. 42, effective July 8, 1975.

SECTION 2. PURPOSE

- 2.1 It is not the purpose of this rule to promote or condone the possession or use of beer, wine or other alcoholic beverages on or in the University System property or facilities but to regulate such possession or use within strict guidelines.

SECTION 23. POLICY REQUIREMENTS

- 23.1 ~~Be it resolved, That~~ The possession or use of alcoholic beverages is prohibited on or in property or facilities (including student housing) of the ~~public~~ University System colleges and universities institutions except as hereafter provided:
 - 23.1.1 As allowed under ~~the policy of the Board of Regents adopted September 17, 1971, and published in Series Policy Bulletin No. 14 regarding the sale of nonintoxicating beer; and~~

2.3.1.2 In dwellings located thereon and occupied as a family residence; and

3.1.3 Where the serving of wine, beer or other alcoholic beverages is approved by the institutional president or his/her designee, on a case by case basis consistent with the following rules:

3.1.3.a Wine, beer or other alcoholic beverages will never be the primary reason for the gathering.

3.1.3.b The preponderance of those attending must be of legal drinking age.

3.1.3.c No person under the legal drinking age will be served.

3.1.3.d Alternative non-alcoholic beverages and food will be served.

3.1.3.e No person under the age of 18 will be allowed to serve wine, beer or other alcoholic beverages, and servers must be appropriately trained to adhere to all laws and regulations regarding the serving of wine, beer or other alcoholic beverages.

3.1.3.f No state funds will be used to purchase wine, beer or other alcoholic beverages.

SECTION 4. PROHIBITIONS

4.1 The selling of beer, wine, or other alcoholic beverages to the general public during athletic events shall be prohibited.

SENATE BILL NO. 81

(By Senator Lucht)

[Introduced February 18, 1993; referred to the
Committee on Education; and then to the
Committee on the Judiciary.]

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10 A BILL to amend and reenact sections two and three, article
11 seventeen, chapter eighteen-b of the code of West Virginia,
12 one thousand nine hundred thirty-one, as amended, relating to
13 legislative rules; and authorizing specific regulations
14 relating to higher education including holidays; alcoholic
15 beverages on campuses; and presidents appointments,
16 responsibility and evaluations.

17 Be it enacted by the Legislature of West Virginia:

18 That sections two and three, article seventeen, chapter
19 eighteen-b of the code of West Virginia, one thousand nine
20 hundred thirty-one, as amended, be amended and reenacted to read
21 as follows:

22 ARTICLE 17. LEGISLATIVE RULES.

23 §18B-17-2. Board of trustees.

24 (a) The legislative rules filed in the state register on the
25 third day of December, one thousand nine hundred ninety-one,
26 modified by the board of trustees to meet the objections of the

1 legislative oversight commission on education accountability and
2 refiled in the state register on the twenty-first day of January,
3 one thousand nine hundred ninety-two, relating to the board of
4 trustees (report card), are authorized.

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

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

12 (d) The legislative rules filed in the state register on the
13 twenty-eighth day of February, one thousand nine hundred
14 ninety-two, relating to the board of trustees (alcoholic
15 beverages on campuses), are authorized.

16 §18B-17-3. Board of directors.

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

24 (b) The legislative rules filed in the state register on the
25 twenty-seventh day of September, one thousand nine hundred

1 ninety-one, relating to the board of directors (equal opportunity
2 and affirmative action), are authorized.

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

7 (d) The legislative rules filed originally in the state
8 register on the seventh day of February, one thousand nine
9 hundred ninety-two, as modified by the rule filed in the state
10 register on the second day of August, one thousand nine hundred
11 ninety-two, relating to the board of directors (president
12 appointments, responsibility and evaluations), are authorized.

13 NOTE: The purpose of this bill is to authorize legislative
14 rules promulgated by higher education governing boards relating
15 to holidays; alcoholic beverages on campuses; and president
16 appointments, responsibility and evaluations.

17 Strike-throughs indicate language that would be stricken from
18 the present law, and underscoring indicates new language that
19 would be added.

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H. B. 2149

(By Delegate Ashcraft
_____)

(Introduced February 17, 1993; referred to the
Committee on Education.)

10 A BILL to amend and reenact sections two and three, article
11 seventeen, chapter eighteen-b of the code of West Virginia,
12 one thousand nine hundred thirty-one, as amended, relating to
13 legislative rules; and authorizing specific regulations
14 relating to higher education including holidays; alcoholic
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16 responsibility and evaluations.

17 Be it enacted by the Legislature of West Virginia:

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19 eighteen-b of the code of West Virginia, one thousand nine
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21 as follows:

22 ARTICLE 17. LEGISLATIVE RULES.

23 §18B-17-2. Board of trustees.

24 (a) The legislative rules filed in the state register on the
25 third day of December, one thousand nine hundred ninety-one,
26 modified by the board of trustees to meet the objections of the

2149

1 legislative oversight commission on education accountability and
2 refiled in the state register on the twenty-first day of January,
3 one thousand nine hundred ninety-two, relating to the board of
4 trustees (report card), are authorized.

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

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

12 (d) The legislative rules filed in the state register on the
13 twenty-eighth day of February, one thousand nine hundred
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18 sixteenth day of December, one thousand nine hundred ninety-one,
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21 refiled in the state register on the twenty-first day of January,
22 one thousand nine hundred ninety-two, relating to the board of
23 directors (report card), are authorized.

24 (b) The legislative rules filed in the state register on the
25 twenty-seventh day of September, one thousand nine hundred

1 ninety-one, relating to the board of directors (equal opportunity
2 and affirmative action), are authorized.

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

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8 register on the seventh day of February, one thousand nine
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10 register on the second day of August, one thousand nine hundred
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15 to holidays; alcoholic beverages on campuses; and president
16 appointments, responsibility and evaluations.

17 Strike-throughs indicate language that would be stricken from
18 the present law, and underscoring indicates new language that
19 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

TO: Pam Steelhammer

AGENCY: Trustees

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 25, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 42 TITLE: 128 Trustees

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED. *see attached note.*

SIGNED: Pamela G. Steelhammer

TITLE OF PERSON SIGNING: Assistant to the Chancellor

DATE: July 21, 1994

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

**TITLE 128
LEGISLATIVE RULES
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES**

**SERIES 42
ALCOHOLIC BEVERAGES ON THE CAMPUSES**

§128-42-1. General.

1.1. Scope. -- This rule establishes guidelines relating to the possession or use of alcoholic beverages on the campuses.

1.2. Authority. -- W. Va. Code §18B-1-6

1.3. Filing Date. -- July 13, 1993

1.4. Effective Date. -- July 13, 1993

1.5. Repeal of Former Rule. -- Repeals and Replaces Board of Regents Title 128, Series 42, effective July 8, 1975.

§128-42-2. Purpose.

2.1. It is not the purpose of this rule to promote or condone the possession or use of beer, wine or other alcoholic beverages on or in the University System property or facilities but to regulate such possession or use within strict guidelines.

§128-42-3. Requirements.

3.1. The possession or use of alcoholic beverages is prohibited on or in property or facilities (including student housing) of the University System institutions except as hereafter provided:

3.1.1. As allowed under Series 14 regarding the sale of nonintoxicating beer;

3.1.2. In dwellings located thereon and occupied as a family residence; and

3.1.3. Where the serving of wine, beer or other alcoholic beverages is approved by the institutional president or his/her designee, on a

case by case basis consistent with the following rules:

3.1.3.a. Wine, beer or other alcoholic beverages will never be the primary reason for the gathering.

3.1.3.b. The preponderance of those attending must be of legal drinking age.

3.1.3.c. No person under the legal drinking age will be served.

3.1.3.d. Alternative non-alcoholic beverages and food will be served.

3.1.3.e. No person under the age of eighteen (18) will be allowed to serve wine, beer or other alcoholic beverages, and servers must be appropriately trained to adhere to all laws and regulations regarding the serving of wine, beer or other alcoholic beverages.

3.1.3.f. No state funds will be used to purchase wine, beer or other alcoholic beverages.

§128-42-4. Prohibitions.

4.1. The selling of beer, wine, or other alcoholic beverages to the general public during athletic events shall be prohibited.