

SB 235

RECEIVED

1 APR -3 AM 11: 18

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

RECEIVED

1 MAR 34 AM 10: 14

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



# ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 235

(By Senator Ross, et al )



PASSED March 11, 2000  
In Effect from Passage

RECEIVED

) APR -3 2011: 18

OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

RECEIVED

) MAR 31 2013: 14

OFFICE OF THE CLERK  
HOUSE OF DELEGATES  
WEST VIRGINIA

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 235

(SENATORS ROSS, ANDERSON, MINARD, SNYDER,  
UNGER AND MINEAR, *original sponsors*)

[Passed March 11, 2000; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact article two of said chapter, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; 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 certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the legislature; authorizing the department of administration and the auditor to promulgate a legislative rule relating to purchasing card program; authorizing the division of personnel to promulgate a legislative rule relating to the administration of the division; authorizing the division of personnel to promulgate a legislative rule relating to workers' compensation temporary total disability; authorizing the consolidated public retirement board to promulgate a legislative rule relating to general provisions; authorizing the consolidated public retirement board to promulgate a legislative rule relating to the teachers' defined contribution system; authorizing the consolidated public retirement board to promulgate a legislative rule relating to the teachers defined benefit plan; authorizing the consolidated public retirement board to promulgate a legislative rule relating to the public employees retirement system; authorizing the consolidated public retirement board to promulgate a legislative rule relating to refund, reinstatement and loan interest factors; and authorizing the board of risk and insurance management to promulgate a legislative rule relating to the filing of written notification concerning incidents which could potentially result in liability to the board.

*Be it enacted by the Legislature of West Virginia:*

That section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article two of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.**

**§64-1-1. Legislative authorization.**

1 Under the provisions of article three, chapter  
2 twenty-nine-a of the code of West Virginia, the Legislature  
3 expressly authorizes the promulgation of the rules de-  
4 scribed in articles two through eleven of this chapter,  
5 subject only to the limitations set forth with respect to  
6 each such rule in the section or sections of this chapter  
7 authorizing its promulgation. The Legislature declares  
8 that all rules authorized under articles two through eleven  
9 of this chapter are within the legislative intent of the  
10 statute which the rule is intended to implement, extend,  
11 apply or interpret. Legislative rules promulgated pursuant  
12 to the provisions of articles one through eleven of this  
13 chapter in effect at the effective date of this section shall  
14 continue in full force and effect until reauthorized in this  
15 chapter by legislative enactment, or until amended by  
16 emergency rule pursuant to the provisions of article three,  
17 chapter twenty-nine-a of this code.

18 All proposed legislative rules for which bills of authori-  
19 zation have been introduced in the Legislature not specifi-  
20 cally authorized under articles two through eleven of this  
21 chapter are disapproved by the Legislature.

**ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION  
TO PROMULGATE LEGISLATIVE RULES.**

**§64-2-1. Department of Administration and the Auditor.**

1 The legislative rule filed in the state register on the first  
2 day of November, one thousand nine hundred ninety-nine,  
3 under the authority of section ten-a, article three, chapter  
4 twelve of this code, modified by the department of admin-  
5 istration and the auditor to meet the objections of the  
6 legislative rule-making review committee and refiled in  
7 the state register on the twentieth day of December, one  
8 thousand nine hundred ninety-nine, relating to the depart-

9 ment of administration and the auditor (state purchasing  
10 card program, 148 CSR 7), is authorized.

**§64-2-2. Division of personnel.**

1 (a) The legislative rule filed in the state register on the  
2 sixth day of August, one thousand nine hundred ninety-  
3 nine, under the authority of section ten, article six, chapter  
4 twenty-nine of this code, modified by the division of  
5 personnel to meet the objections of the legislative  
6 rule-making review committee and refiled in the state  
7 register on the twenty-seventh day of October, one thou-  
8 sand nine hundred ninety-nine, relating to the division of  
9 personnel (administrative rule of the West Virginia  
10 division of personnel, 143 CSR 1), is authorized with the  
11 following amendment:

12 On page eight, subdivision 4.4(b), line two, following the  
13 words 'whole. The', by striking out the word 'Board' and  
14 inserting in lieu thereof the word 'Director'."

15 (b) The legislative rule filed in the state register on the  
16 sixth day of August, one thousand nine hundred  
17 ninety-nine, under the authority of section four, article  
18 five-a, chapter twenty-three of this code, modified by the  
19 division of personnel to meet the objections of the legisla-  
20 tive rule-making review committee and refiled in the state  
21 register on the twenty-seventh day of October, one thou-  
22 sand nine hundred ninety-nine, relating to the division of  
23 personnel (workers' compensation temporary total disabil-  
24 ity, 143 CSR 3), is authorized.

**§64-2-3. Consolidated public retirement board.**

1 (a) The legislative rule filed in the state register on the  
2 twenty-second day of July, one thousand nine hundred  
3 ninety-nine, under the authority of section one, article ten-  
4 d, chapter five of this code, modified by the consolidated  
5 public retirement board to meet the objections of the

6 legislative rule-making review committee and refiled in  
7 the state register on the twenty-eighth day of October, one  
8 thousand nine hundred ninety-nine, relating to the consol-  
9 idated public retirement board (general provisions, 162  
10 CSR 1), is authorized.

11 (b) The legislative rule filed in the state register on the  
12 twenty-second day of July, one thousand nine hundred  
13 ninety-nine, under the authority of section one, article ten-  
14 d, chapter five of this code, modified by the consolidated  
15 public retirement board to meet the objections of the  
16 legislative rule-making review committee and refiled in  
17 the state register on the twenty-eighth day of October, one  
18 thousand nine hundred ninety-nine, relating to the consol-  
19 idated public retirement board (teachers' defined contri-  
20 bution system, 162 CSR 3), is authorized.

21 (c) The legislative rule filed in the state register on the  
22 twenty-second day of July, one thousand nine hundred  
23 ninety-nine, under the authority of section one, article ten-  
24 d, chapter five of this code, modified by the consolidated  
25 public retirement board to meet the objections of the  
26 legislative rule-making review committee and refiled in  
27 the state register on the twenty-eighth day of October, one  
28 thousand nine hundred ninety-nine, relating to the consol-  
29 idated public retirement board (teachers defined benefit  
30 plan, 162 CSR 4), is authorized.

31 (d) The legislative rule filed in the state register on the  
32 twenty-second day of July, one thousand nine hundred  
33 ninety-nine, under the authority of section one, article ten-  
34 d, chapter five of this code, modified by the consolidated  
35 public retirement board to meet the objections of the  
36 legislative rule-making review committee and refiled in  
37 the state register on the twenty-eighth day of October, one  
38 thousand nine hundred ninety-nine, relating to the consol-  
39 idated public retirement board (public employees retire-  
40 ment system, 162 CSR 5), is authorized.

41 (e) The legislative rule filed in the state register on the  
42 third day of August, one thousand nine hundred  
43 ninety-nine, under the authority of section one, article ten-  
44 d, chapter five of this code, modified by the consolidated  
45 public retirement board to meet the objections of the  
46 legislative rule-making review committee and refiled in  
47 the state register on the twenty-eighth day of October, one  
48 thousand nine hundred ninety-nine, relating to the consol-  
49 idated public retirement board (refund, reinstatement and  
50 loan interest factors, 162 CSR 7), is authorized.

**§64-2-4. Board of risk and insurance management.**

1 The legislative rule filed in the state register on the  
2 thirteenth day of May, one thousand nine hundred  
3 ninety-nine, under the authority of section five, article  
4 twelve, chapter twenty-nine of this code, modified by the  
5 board of risk and insurance management to meet the  
6 objections of the legislative rule-making review committee  
7 and refiled in the state register on the twenty-third day of  
8 July, one thousand nine hundred ninety-nine, relating to  
9 the board of risk and insurance management (filing of  
10 written notification concerning incidents which could  
11 potentially result in liability to the board, 115 CSR 5), is  
12 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 approved this the 2nd  
Day of April 2000.

Governor



PRESENTED TO THE

GOVERNOR

Date 3/28/00

Time 3:05pm