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
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 twenty-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in articles two through eleven of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its promulgation. The Legislature declares that all rules authorized under articles two through eleven of this chapter are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret. Legislative rules promulgated pursuant to the provisions of articles one through eleven of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment, or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

All proposed legislative rules for which bills of authorization have been introduced in the Legislature not specifically authorized under articles two through eleven of this 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 day of November, one thousand nine hundred ninety-nine, under the authority of section ten-a, article three, chapter twelve of this code, modified by the department of administration and the auditor to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of December, one thousand nine hundred ninety-nine, relating to the depart-
ment of administration and the auditor (state purchasing card program, 148 CSR 7), is authorized.

§64-2-2. Division of personnel.

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

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

(b) The legislative rule filed in the state register on the sixth day of August, one thousand nine hundred ninety-nine, under the authority of section four, article five-a, chapter twenty-three of this code, modified by the division of personnel to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of October, one thousand nine hundred ninety-nine, relating to the division of personnel (workers' compensation temporary total disability, 143 CSR 3), is authorized.


(a) The legislative rule filed in the state register on the twenty-second day of July, one thousand nine hundred ninety-nine, under the authority of section one, article ten-d, chapter five of this code, modified by the consolidated public retirement board to meet the objections of the
(b) The legislative rule filed in the state register on the twenty-second day of July, one thousand nine hundred ninety-nine, under the authority of section one, article ten-d, chapter five of this code, modified by the consolidated public retirement board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of October, one thousand nine hundred ninety-nine, relating to the consolidated public retirement board (teachers’ defined contribution system, 162 CSR 3), is authorized.

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

(d) The legislative rule filed in the state register on the twenty-second day of July, one thousand nine hundred ninety-nine, under the authority of section one, article ten-d, chapter five of this code, modified by the consolidated public retirement board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of October, one thousand nine hundred ninety-nine, relating to the consolidated public retirement board (public employees retirement system, 162 CSR 5), is authorized.
(e) The legislative rule filed in the state register on the third day of August, one thousand nine hundred ninety-nine, under the authority of section one, article ten-d, chapter five of this code, modified by the consolidated public retirement board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of October, one thousand nine hundred ninety-nine, relating to the consolidated public retirement board (refund, reinstatement and loan interest factors, 162 CSR 7), is authorized.

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

The legislative rule filed in the state register on the thirteenth day of May, one thousand nine hundred ninety-nine, under the authority of section five, article twelve, chapter twenty-nine of this code, modified by the board of risk and insurance management to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of July, one thousand nine hundred ninety-nine, relating to the board of risk and insurance management (filing of written notification concerning incidents which could potentially result in liability to the board, 115 CSR 5), 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... approved... this the... 26th

Day of... 2001.

Governor