WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED
Committee Substitute for
SENATE BILL NO. 298

(By Senator Ross, et al.)

PASSED April 13, 2001
In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 298

(Senators Ross, Anderson, Minard, Snyder, Unger
and Minear, original sponsors)

[Passed April 13, 2001; 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; clarifying legislative intent relating to promulgation or legislative rules; modifying method of disapproval of certain legislative rules; 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 department of administration to promulgate a legislative rule relating to rules for selecting design-builders; authorizing department of administration and auditor to promulgate a legislative rule relating to state purchasing card program; authorizing consolidated public retirement board to promulgate a legislative rule relating to general provisions; authorizing consolidated public retirement board to promulgate a legislative rule relating to consolidated public retirement board benefit determination and appeal; authorizing consolidated public retirement board to promulgate a legislative rule relating to teachers' defined contribution system; authorizing consolidated public retirement board to promulgate a legislative rule relating to teachers' defined benefit plan; authorizing consolidated public retirement board to promulgate a legislative rule relating to public employees retirement system; and authorizing consolidated public retirement board to promulgate a legislative rule relating to service credit for accrued and unused sick and annual leave.

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.
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, inclusive, 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. Legislative rules promulgated pursuant to the provisions of articles one through eleven, inclusive, 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.

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

§64-2-1. Department of administration and the auditor.

(a) The legislative rule filed in the state register on the twenty-third day of March, two thousand, authorized under the authority of section six, article twenty-two-a, chapter five of this code, modified by the department of administration to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of May, two thousand, relating to the department of administration (rules for selecting design-builders under the design build procurement act, 148 CSR 11), is authorized with the following amendment:

"On page seven, section eleven, after subsection 11.8 by inserting '11.9. For the purpose of this section, "awarding authority" means the entity having authority to issue and sign the purchase order for the construction or lease-purchase of the project."

(b) The legislative rule filed in the state register on the tenth day of August, two thousand, 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 September, two thousand, relating to the department of administration and the auditor (state purchasing card program, 148 CSR 7), is authorized.


(a) The legislative rule filed in the state register on the first day of September, two thousand, 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 November, two thousand, relating to the consolidated public retirement board (general provisions, 162 CSR 1), is authorized.

(b) The legislative rule filed in the state register on the first day of September, two thousand, authorized 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 November, two thousand, relating to the consolidated public retirement board (consolidated public retirement board benefit determination and appeal, 162 CSR 2), is authorized.

(c) The legislative rule filed in the state register on the first day of September, two thousand, 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 November, two thousand, relating to the consolidated public retirement board (teachers' defined contribution system, 162 CSR 3), is authorized.
(d) The legislative rule filed in the state register on the first day of September, two thousand, 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 fourteenth day of December, two thousand, relating to the consolidated public retirement board (teachers' defined benefit plan, 162 CSR 4), is authorized.

(e) The legislative rule filed in the state register on the first day of September, two thousand, 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 November, two thousand, relating to the consolidated public retirement board (public employees retirement system, 162 CSR 5), is authorized.

(f) The legislative rule filed in the state register on the first day of September, two thousand, authorized 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 fourteenth day of December, two thousand, relating to the consolidated public retirement board (service credit for accrued and unused sick and annual leave, 162 CSR 8), is disapproved.
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 the 23rd Day of April, 2001.

Governor