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OFFICE OF THE SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4172

(By Delegates Mahan, Wills, Cann, Kominar,
Faircloth and Riggs)



Passed March 9, 2002

In Effect from Passage

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FOR

H. B. 4172

(BY DELEGATES MAHAN, WILLS, CANN, KOMINAR,
FAIRCLOTH AND RIGGS)

[Passed March 9, 2002; 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, 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 legislative rules with amendments; 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 legislative rule relating to state purchasing card program; disapproving department of administration to promulgate legislative rule relating to parking; authorizing consolidated public retirement board to promulgate legislative rule relating to benefit determination and appeal; authorizing records management and preservation board to promulgate legislative rule relating to county records management and preservation grant program; authorizing consolidated public retirement board to promulgate legislative rule service credit for accrued and unused sick and annual leave; and authorizing board of risk and insurance management to promulgate legislative rule relating to mine subsidence insurance.

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
2 of the code of West Virginia, the Legislature expressly autho-
3 rizes the promulgation of the rules described in articles two
4 through eleven, inclusive, of this chapter, subject only to the
5 limitations set forth with respect to each such rule in the section
6 or sections of this chapter authorizing its promulgation.
7 Legislative rules promulgated pursuant to the provisions of
8 articles one through eleven, inclusive, of this chapter in effect

9 at the effective date of this section shall continue in full force
10 and effect until reauthorized in this chapter by legislative
11 enactment or until amended by emergency rule pursuant to the
12 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.

1 (a) The legislative rule filed in the state register on the first
2 day of November, two thousand one, under the authority of
3 section ten-a, article three, chapter twelve of this code, relating
4 to the department of administration and the auditor (state
5 purchasing card program, 148 CSR 7), is authorized with the
6 following amendment:

7 On page two, section 2.17.c., line three, after the words
8 ‘individuals where the’ by striking out the words ‘dues or’;

9 (b) The legislative rule filed in the state register on the
10 thirteenth day of August, two thousand one, authorized under
11 the authority of section five, article four, chapter five-a, of this
12 code, modified by the department of administration to meet the
13 objections of the legislative rule-making review committee and
14 refiled in the state register on the tenth day of January, two
15 thousand two, relating to the department of administration
16 (parking, 148 CSR 6), is disapproved.

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

1 (a) The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand one, authorized under the
3 authority of section one, article ten-d, chapter five of this code,
4 relating to the consolidated public retirement board (consolidated
5 public retirement board benefit determination and appeal,
6 162 CSR 2), is authorized.

7 (b) The legislative rule filed in the state register on the first
8 day of September, two thousand, authorized under the authority
9 of section one, article ten-d, chapter five, of this code, modified
10 by the consolidated public retirement board to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the fourteenth day of December,
13 two thousand, relating to the consolidated public retirement
14 board (service credit for accrued and unused sick and annual
15 leave, 162 CSR 8), is authorized with the amendments set forth
16 below:

17 On page one, section 1.1, by adding a new sentence at the
18 end of the subdivision to read as follows: "Employees of the
19 judicial and legislative branches of government are exempt
20 from this rule.";

21 On page one, section 4.1, line twenty-six, following the
22 word "shall" by striking out the words "be deferential to" and
23 inserting in lieu thereof the word "accept"; and

24 On page two, section 4.1, line three, following the word
25 "policy" by striking out the words "shall have been formally
26 adopted in writing by the employer" and inserting in lieu
27 thereof the words "must be a written standard that is an
28 accepted standard by the employer".

§64-2-3. Records management and preservation board.

1 The legislative rule filed in the state register on the twenty-
2 sixth day of July, two thousand one, under the authority of
3 section fifteen, article eight, chapter five-a, of this code,
4 modified by the records management and preservation board to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the fifteenth day
7 of January, two thousand two, relating to the records manage-

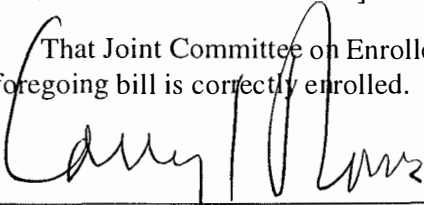
8 ment and preservation board (county records management and
9 preservation grant program, 100 CSR 1), is authorized.

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

1 The legislative rule filed in the state register on the twenty-
2 seventh day of July, two thousand one, under the authority of
3 section fifteen, article thirty, chapter thirty-three, of this code,
4 modified by the board of risk and insurance management to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the fourteenth day
7 of January, two thousand two, relating to the board of risk and
8 insurance management (mine subsidence insurance, 115 CSR
9 1), is authorized.

Enr. Com. Sub. for H. B. 4172] 6

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



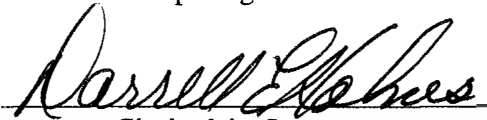
Chairman Senate Committee



Chairman House Committee

Originating in the House.

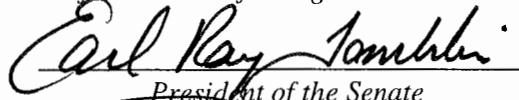
In effect from passage.



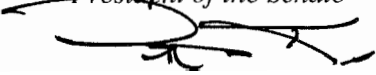
Clerk of the Senate



Clerk of the House of Delegates

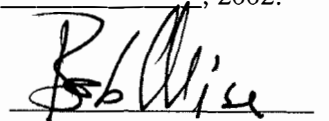


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/02

Time 4:00 pm