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
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 Legisla-
ture; 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 manage-
ment 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
of the code of West Virginia, the Legislature expressly autho-
rizes 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 first
day of November, two thousand one, under the authority of
section ten-a, article three, chapter twelve of this code, relating
to the department of administration and the auditor (state
purchasing card program, 148 CSR 7), is authorized with the
following amendment:

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

(b) The legislative rule filed in the state register on the
thirteenth day of August, two thousand one, authorized under
the authority of section five, article four, chapter five-a, 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 tenth day of January, two
thousand two, relating to the department of administration
(parking, 148 CSR 6), is disapproved.


(a) The legislative rule filed in the state register on the
twenty-fifth day of July, two thousand one, authorized under the
authority of section one, article ten-d, chapter five of this code,
relating to the consolidated public retirement board (consol-
dated public retirement board benefit determination and appeal,
162 CSR 2), 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 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 authorized with the amendments set forth
below:

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

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

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


The legislative rule filed in the state register on the twenty-
sixth day of July, two thousand one, under the authority of
section fifteen, article eight, chapter five-a, of this code,
modified by the records management and preservation board to
meet the objections of the legislative rule-making review
committee and refiled in the state register on the fifteenth day
of January, two thousand two, relating to the records manage-
§64-2-4. Board of risk and insurance management.

The legislative rule filed in the state register on the twenty-seventh day of July, two thousand one, under the authority of section fifteen, article thirty, chapter thirty-three, 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 fourteenth day of January, two thousand two, relating to the board of risk and insurance management (mine subsidence insurance, 115 CSR 1), is authorized.

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