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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2592

(By Delegates Mahan, Cann, Kominar and Faircloth)



Passed March 8, 2003

In Effect from Passage

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FOR

H. B. 2592

(BY DELEGATES MAHAN, CANN,
KOMINAR AND FAIRCLOTH)

[Passed March 8, 2003; 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 the department of administration to promulgate a legislative rule relating to the general administration of records management and preservation; authorizing the department of administration to promulgate a legislative rule relating to records retention and disposal scheduling; authorizing the department of administration to promulgate a legislative rule relating to the management of records maintained by the records center; authorizing the department of administration to promulgate a legislative rule relating to technology access for the visually impaired; authorizing the department of administration to promulgate a legislative rule relating to parking; authorizing the department of administration to promulgate a legislative rule relating to qualifications for participation; authorizing the auditor to promulgate a legislative rule relating to the standards for requisitions for payment issued by state officers on the auditor; authorizing the auditor to promulgate a legislative rule relating to the transaction fee and rate structure; authorizing the auditor to promulgate a legislative rule relating to the state auditor's computer and technology donation program; 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 benefit determination and appeal; 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 West Virginia state police disability determination and appeal process; authorizing the ethics commission to promulgate a legislative rule relating to lobbying; and authorizing the division of personnel to promulgate a legislative rule relating to the division.

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
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.

1 (a) The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand two, authorized under
3 the authority of section eight, article eight, chapter five-a, of
4 this code, modified by the department of administration to meet
5 the objections of the legislative rule-making review committee
6 and refiled in the state register on the fifth day of December,
7 two thousand two, relating to the department of administration
8 (general administration of records management and preserva-
9 tion, 148 CSR 12), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-fifth day of July, two thousand two, authorized under
12 the authority of section eight, article eight, chapter five-a, of
13 this code, modified by the department of administration to meet
14 the objections of the legislative rule-making review committee
15 and refiled in the state register on the fifth day of December,
16 two thousand two, relating to the department of administration
17 (records retention and disposal scheduling, 148 CSR 13), is
18 authorized.

19 (c) The legislative rule filed in the state register on the
20 twenty-fifth day of July, two thousand two, authorized under
21 the authority of section eight, article eight, chapter five-a, of
22 this code, modified by the department of administration to meet
23 the objections of the legislative rule-making review committee
24 and refiled in the state register on the fifth day of December,
25 two thousand two, relating to the department of administration
26 (management of records maintained by the records center, 148
27 CSR 14), is authorized.

28 (d) The legislative rule filed in the state register on the
29 twenty-fifth day of July, two thousand two, authorized under
30 the authority of section ^{three}~~one~~, article ten-n, chapter eighteen, of
31 this code, modified by the department of administration to meet
32 the objections of the legislative rule-making review committee
33 and refiled in the state register on the twentieth day of Decem-
34 ber, two thousand two, relating to the department of administra-
35 tion (technology access for visually impaired, 148 CSR 15), is
36 authorized.

37 (e) The legislative rule filed in the state register on the
38 twenty-fifth day of July, two thousand two, authorized under
39 the authority of section five, article four, chapter five-a, of this
40 code, modified by the department of administration to meet the
41 objections of the legislative rule-making review committee and
42 refiled in the state register on the twentieth day of December,

*ok
Bryon M. Law*

43 two thousand two, relating to the department of administration
44 (parking, 148 CSR 6), is authorized with the following amend-
45 ments:

46 “On page one, section one, subsection 1.1, following the
47 word ‘in’ by inserting ‘the city of Charleston’;

48 On page one, section two, subsection 2.1, line thirty-seven,
49 following the word ‘buildings’ by inserting ‘in the city of
50 Charleston’;

51 On page two, section four, following the word ‘buildings’
52 by inserting ‘in the city of Charleston’;

53 On page two, section five, line five, following the word
54 ‘purpose’ by striking the remainder of the sentence;

55 On page two, section five, following the number ‘2007’ by
56 striking ‘Each spending unit shall remit payment monthly to the
57 Department of Administration for all parking spaces assigned
58 to each spending unit. It is the responsibility of the spending
59 unit to keep all spaces assigned to its employees and to collect
60 the appropriate monthly fee’;

61 On page two, section five, paragraph two, following the
62 word ‘Secretary’ and the parenthesis and the period by striking
63 the remainder of the paragraph;

64 On page two, section five, following paragraph two by
65 inserting ‘The Secretary may charge a reasonable fee to replace
66 a parking tag or access card issued to a public officer or
67 employee.’;

68 On page two, section six, subsection 6.1, line thirteen,
69 following the word ‘rule’ and the period by striking ‘The
70 Secretary may also authorize the removal, immobilization, or
71 any other remedy considered necessary, at owners expense, of

72 a vehicle whose owner owes more than ten (10) unpaid viola-
73 tions.’ and inserting ‘For the purposes of this subdivision, a
74 ‘motor vehicle parked in violation of this rule’ shall include a
75 motor vehicle owned by a person who owes more than ten (10)
76 unpaid violations and is parked on property described in
77 subsection 2.1 of this rule.’;

78 On page three, section seven, subsection 7.1, following line
79 nine, by striking ‘Lost Parking Tag 10.00 Lost Access Card
80 15.00’;

81 On page three, section seven, subsection 7.2, line ten,
82 following the word ‘days’ and the period by striking ‘These
83 fines may be remitted by payroll deduction to the Office of the
84 Secretary. In addition to the penalties set forth in subsection
85 6.1, a civil’ and inserting ‘A’;

86 And,

87 On page three, section seven, subsection 7.2, line fourteen,
88 following the word ‘paid’ by striking ‘with’ and inserting
89 ‘within’.

90 (f) The legislative rule filed in the state register on the
91 twenty-fifth day of July, two thousand two, authorized under
92 the authority of section five, article three-a, chapter five-a, of
93 this code, modified by the department of administration to meet
94 the objections of the legislative rule-making review committee
95 and refiled in the state register on the twentieth day of Decem-
96 ber, two thousand two, relating to the department of administra-
97 tion (qualifications for participation, 186 CSR 4), is authorized.

§64-2-2. Auditor.

1 (a) The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand two, authorized under
3 the authority of section ten, article three, chapter twelve, of this

4 code, modified by the auditor to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on the eighth day of November, two thousand two,
7 relating to the auditor (standards for requisitions for payment
8 issued by state officers on the auditor, 155 CSR 1), is autho-
9 rized.

10 (b) The legislative rule filed in the state register on the
11 twenty-fourth day of July, two thousand two, authorized under
12 the authority of section ten-c, article three, chapter twelve of
13 this code, modified by the auditor to meet the objections of the
14 legislative rule-making review committee and refiled in the
15 state register on the eighth day of November, two thousand two,
16 relating to the auditor (transaction fee and rate structure, 155
17 CSR 4), is authorized.

18 (c) The legislative rule filed in the state register on the
19 twenty-fourth day of July, two thousand two, authorized under
20 the authority of section two, article four-b, chapter twelve, of
21 this code, relating to the auditor (state auditor's computer and
22 technology donation program, 155 CSR 5), is authorized.

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

1 (a) The legislative rule filed in the state register on the
2 twenty-third day of July, two thousand two, authorized under
3 the authority of section one, article ten-d, chapter five, of this
4 code, relating to the consolidated public retirement board
5 (public employees retirement system, 162 CSR 5), is authorized
6 with the amendment set forth below:

7 On page two, section nine, by striking out the period and
8 inserting in lieu thereof a colon and the following: *Provided,*
9 That beginning on the first day of July, two thousand three,
10 each participating public employer shall contribute ten and five-
11 tenths percent (10.5%) of each compensation payment of all its

12 employees who are members of the Public Employees Retire-
13 ment System.

14 (b) The legislative rule filed in the state register on the
15 twenty-third day of July, two thousand two, authorized under
16 the authority of section one, article ten-d, chapter five of this
17 code, modified by the consolidated public retirement board to
18 meet the objections of the legislative rule-making review
19 committee and refiled in the state register on the twenty-ninth
20 day of October, two thousand two, relating to the consolidated
21 public retirement board (benefit determination and appeal, 162
22 CSR 2), is authorized with the amendment set forth below:

23 On page one, section 2.1, following the words “the Board
24 shall” by inserting a comma and the words “as part of its initial
25 review,”.

26 (c) The legislative rule filed in the state register on the
27 twenty-third day of July, two thousand two, authorized under
28 the authority of section one, article ten-d, chapter five, of this
29 code, modified by the consolidated public retirement board to
30 meet the objections of the legislative rule-making review
31 committee and refiled in the state register on the twenty-ninth
32 day of October, two thousand two, relating to the consolidated
33 public retirement board (teachers defined benefit plan, 162 CSR
34 4), is authorized.

35 (d) The legislative rule filed in the state register on the
36 twenty-third day of July, two thousand two, authorized under
37 the authority of section one, article ten-d, chapter five, of this
38 code, modified by the consolidated public retirement board to
39 meet the objections of the legislative rule-making review
40 committee and refiled in the state register on the twenty-ninth
41 day of October, two thousand two, relating to the consolidated
42 public retirement board (West Virginia state police disability
43 determination and appeal process, 162 CSR 9), is authorized.

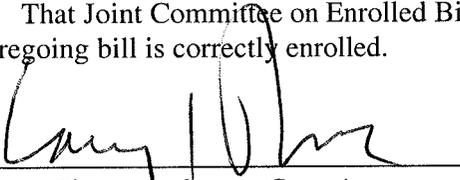
§64-2-4. Ethics commission.

1 The legislative rule filed in the state register on the nine-
2 teenth day of July, two thousand two, authorized under the
3 authority of section two, article three, chapter six-b, of this
4 code, relating to the ethics commission (lobbying, 158 CSR 12),
5 is authorized.

§64-2-5. Division of personnel.

1 The legislative rule filed in the state register on the twenty-
2 third day of July, two thousand two, under the authority of
3 section ten, article six, chapter twenty-nine, of this code,
4 modified by the division of personnel to meet the objections of
5 the legislative rule-making review committee and refiled in the
6 state register on the fifth day of December, two thousand two,
7 relating to the division of personnel (administrative rule of the
8 division of personnel, 143 CSR 1), is authorized.

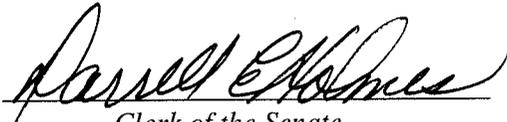
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

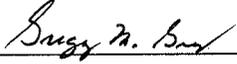

Chairman Senate Committee


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 20th
day of March

2003

Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/03

Time 9:45am