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; authoriz-
ing the consolidated public retirement board to promulgate a
legislative rule relating to benefit determination and appeal;
authorizing the consolidated public retirement board to promul-
gate a legislative rule relating to the teachers defined benefit plan;
authorizing the consolidated public retirement board to promul-
gate 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.

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.

(a) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section eight, article eight, 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 fifth day of December, two thousand two, relating to the department of administration (general administration of records management and preservation, 148 CSR 12), is authorized.
(b) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section eight, article eight, 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 fifth day of December, two thousand two, relating to the department of administration (records retention and disposal scheduling, 148 CSR 13), is authorized.

(c) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section eight, article eight, 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 fifth day of December, two thousand two, relating to the department of administration (management of records maintained by the records center, 148 CSR 14), is authorized.

(d) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section ten-n, chapter eighteen, 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 twentieth day of December, two thousand two, relating to the department of administration (technology access for visually impaired, 148 CSR 15), is authorized.

(e) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, 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 twentieth day of December,
two thousand two, relating to the department of administration (parking, 148 CSR 6), is authorized with the following amendments:

"On page one, section one, subsection 1.1, following the word 'in' by inserting 'the city of Charleston';

On page one, section two, subsection 2.1, line thirty-seven, following the word 'buildings' by inserting 'in the city of Charleston';

On page two, section four, following the word 'buildings' by inserting 'in the city of Charleston';

On page two, section five, line five, following the word 'purpose' by striking the remainder of the sentence;

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

On page two, section five, paragraph two, following the word 'Secretary' and the parenthesis and the period by striking the remainder of the paragraph;

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

On page two, section six, subsection 6.1, line thirteen, following the word 'rule' and the period by striking 'The Secretary may also authorize the removal, immobilization, or any other remedy considered necessary, at owners expense, of
a vehicle whose owner owes more than ten (10) unpaid violations.' and inserting 'For the purposes of this subdivision, a motor vehicle parked in violation of this rule' shall include a motor vehicle owned by a person who owes more than ten (10) unpaid violations and is parked on property described in subsection 2.1 of this rule.

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

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

And,

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

(f) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section five, article three-a, 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 twentieth day of December, two thousand two, relating to the department of administration (qualifications for participation, 186 CSR 4), is authorized.


(a) The legislative rule filed in the state register on the twenty-fifth day of July, two thousand two, authorized under the authority of section ten, article three, chapter twelve, of this
code, modified by the auditor to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of November, two thousand two, relating to the auditor (standards for requisitions for payment issued by state officers on the auditor, 155 CSR 1), is authorized.

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

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


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

On page two, section nine, by striking out the period and inserting in lieu thereof a colon and the following: Provided, That beginning on the first day of July, two thousand three, each participating public employer shall contribute ten and five-tenths percent (10.5%) of each compensation payment of all its
employees who are members of the Public Employees Retirement System.

(b) The legislative rule filed in the state register on the twenty-third day of July, two thousand two, 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-ninth day of October, two thousand two, relating to the consolidated public retirement board (benefit determination and appeal, 162 CSR 2), is authorized with the amendment set forth below:

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

(c) The legislative rule filed in the state register on the twenty-third day of July, two thousand two, 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-ninth day of October, two thousand two, 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-third day of July, two thousand two, 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-ninth day of October, two thousand two, relating to the consolidated public retirement board (West Virginia state police disability determination and appeal process, 162 CSR 9), is authorized.
§64-2-4. Ethics commission.

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

§64-2-5. Division of personnel.

The legislative rule filed in the state register on the twenty-third day of July, two thousand two, 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 fifth day of December, two thousand two, relating to the division of personnel (administrative rule of the 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 bill approved this the 20th day of March, 2003

Governor
PRESENTED TO THE GOVERNOR

Date 3/14/03
Time 9:45AM