

SB 172

FILED

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WEST VIRGINIA LEGISLATURE

CLERK OF THE WEST VIRGINIA
LEGISLATURE OF STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 172

(SENATORS MINARD FANNING, PREZIOSO, UNGER,
BOLEY AND FACEMYER, *original sponsors*)

[Passed April 11, 2009; in effect from passage.]

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(SENATORS MINARD, FANNING, PREZIOSO,
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[Passed April 11, 2009; in effect from passage.]

AN ACT to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, 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 rule with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rule with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as

amended by the Legislature; repealing certain legislative rule; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions; 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 Retirement System; 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 refund, reinstatement, retroactive service and loan interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to service credit for accrued and unused sick and annual leave; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Deputy Sheriff Retirement System; authorizing the Division of Personnel to promulgate a legislative rule relating to reimbursement of compensation paid to state employees for training, education and professional development; authorizing the Department of Administration to promulgate a legislative rule relating to the Purchasing Division; authorizing the Department of Administration to promulgate a legislative rule relating to fair market price determination; authorizing the Department of Administration to promulgate a legislative rule relating to statewide contracts; authorizing the Department of Administration to promulgate a legislative rule relating to qualifications for participation; authorizing the Department of Administration to promulgate a legislative rule relating to parking; authorizing the Ethics Commission to promulgate a legislative rule relating to the purchase, sale or lease of personal property; authorizing the Ethics Commission to

promulgate a legislative rule relating to interest in public contracts; authorizing the Ethics Commission to repeal a legislative rule relating to voting; authorizing the Ethics Commission to promulgate a legislative rule relating to employment exemptions; authorizing the Ethics Commission to promulgate a legislative rule relating to lobbying; and authorizing the Ethics Commission to promulgate a legislative rule relating to the filing of verified time records.

Be it enacted by the Legislature of West Virginia:

That article 2, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§64-2-1. Consolidated Public Retirement Board.

1 (a) The legislative rule filed in the State Register on
2 August 13, 2008, authorized under the authority of section
3 one, article ten-d, chapter five of this code, relating to the
4 Consolidated Public Retirement Board (general provisions,
5 162 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on
7 August 13, 2008, authorized under the authority of section
8 one, article ten-d, chapter five of this code, modified by
9 the Consolidated Public Retirement Board to meet the
10 objections of the Legislative Rule-Making Review Com-
11 mittee and refiled in the State Register on September 3,
12 2008, relating to the Consolidated Public Retirement
13 Board (benefit determination and appeal, 162 CSR 2), is
14 authorized.

15 (c) The legislative rule filed in the State Register on
16 August 13, 2008, authorized under the authority of section
17 one, article ten-d, chapter five of this code, modified by
18 the Consolidated Public Retirement Board to meet the

19 objections of the Legislative Rule-Making Review Com-
20 mittee and refiled in the State Register on September 3,
21 2008, relating to the Consolidated Public Retirement
22 Board (Teachers' Retirement System, 162 CSR 4), is
23 authorized.

24 (d) The legislative rule filed in the State Register on
25 August 13, 2008, authorized under the authority of section
26 one, article ten-d, chapter five of this code, relating to the
27 Consolidated Public Retirement Board (Public Employees
28 Retirement System, 162 CSR 5), is authorized.

29 (e) The legislative rule filed in the State Register on
30 August 13, 2008, authorized under the authority of section
31 one, article ten-d, chapter five of this code, relating to the
32 Consolidated Public Retirement Board (refund, reinstatement,
33 retroactive service and loan interest factors, 162
34 CSR 7), is authorized.

35 (f) The legislative rule filed in the State Register on the
36 August 13, 2008, authorized under the authority of section
37 one, article ten-d, chapter five of this code, relating to the
38 Consolidated Public Retirement Board (service credit for
39 accrued and unused sick and annual leave, 162 CSR 8), is
40 authorized.

41 (g) The legislative rule filed in the State Register on
42 August 13, 2008, authorized under the authority of section
43 one, article ten-d, chapter five of this code, relating to the
44 Consolidated Public Retirement Board (West Virginia
45 State Police, 162 CSR 9), is authorized.

46 (h) The legislative rule filed in the State Register on
47 August 13, 2008, authorized under the authority of section
48 one, article ten-d, chapter five of this code, modified by
49 the Consolidated Public Retirement Board to meet the
50 objections of the Legislative Rule-Making Review Com-
51 mittee and refiled in the State Register on September 3,
52 2008, relating to the Consolidated Public Retirement

53 Board (Deputy Sheriff Retirement System, 162 CSR 10), is
54 authorized.

§64-2-2. Division of Personnel.

1 The legislative rule filed in the State Register on July 25,
2 2008, authorized under the authority of section two,
3 article four, chapter six-c of this code, modified by the
4 Division of Personnel to meet the objections of the Legis-
5 lative Rule-Making Review Committee and refiled in the
6 State Register on September 5, 2008, relating to the
7 Division of Personnel (reimbursement of compensation
8 paid to state employees for training, education and
9 professional development, 143 CSR 8), is authorized.

§64-2-3. Department of Administration.

1 (a) The legislative rule filed in the State Register on
2 August 12, 2008, authorized under the authority of section
3 four, article three, chapter five-a of this code, relating to
4 the Department of Administration (Purchasing Division,
5 148 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on
7 August 28, 2008, authorized under the authority of section
8 five, article four, chapter five-a of this code, modified by
9 the Department of Administration to meet the objections
10 of the Legislative Rule-Making Review Committee and
11 refiled in the State Register on November 20, 2008,
12 relating to the Department of Administration (parking,
13 148 CSR 6), is authorized.

14 (c) The legislative rule filed in the State Register on
15 August 27, 2008, authorized under the authority of section
16 five, article three-a, chapter five-a of this code, modified
17 by the Department of Administration to meet the objec-
18 tions of the Legislative Rule-Making Review Committee
19 and refiled in the State Register on December 12, 2008,
20 relating to the Department of Administration (fair market

21 price determination, 186 CSR 1), is authorized, with the
22 following amendment:

23 On page three, subsection 3.3.1, line twenty-one, follow-
24 ing the period after the words "receipt of request", by
25 inserting the words "If the spending unit does not have
26 copies of the most recent solicitation and contract for the
27 service or commodity, the spending unit shall authorize
28 the Purchasing Division to release to the CNA that
29 information, if available, within ten (10) working days of
30 receipt of request by the CNA.";

31 And,

32 On page seven, subsection 5.1.5, line twenty-two,
33 following the period after the words "receipt of the
34 proposed price", by striking out the remainder of the
35 sentence.

36 (d) The legislative rule filed in the State Register on
37 August 27, 2008, authorized under the authority of section
38 five, article three-a, chapter five-a of this code, modified
39 by the Department of Administration to meet the objec-
40 tions of the Legislative Rule-Making Review Committee
41 and refiled in the State Register on December 12, 2008,
42 relating to the Department of Administration (statewide
43 contracts, 186 CSR 3), is authorized.

44 (e) The legislative rule filed in the State Register on
45 August 27, 2008, authorized under the authority of section
46 five, article three-a, chapter five-a of this code, modified
47 by the Department of Administration to meet the objec-
48 tions of the Legislative Rule-Making Review Committee
49 and refiled in the State Register on December 12, 2008,
50 relating to the Department of Administration (qualifica-
51 tions for participation, 186 CSR 4), is authorized.

§64-2-4. Ethics Commission.

1 (a) The legislative rule filed in the State Register on
2 August 21, 2008, authorized under the authority of section

3 five, article two, chapter six-b of this code, modified by
4 the Ethics Commission to meet the objections of the
5 Legislative Rule-Making Review Committee and refiled in
6 the State Register on November 26, 2008, relating to the
7 Ethics Commission (purchase, sale or lease of personal
8 property, 158 CSR 3), is authorized.

9 (b) The legislative rule filed in the State Register on
10 August 21, 2008, authorized under the authority of section
11 two, article two, chapter six-b of this code, modified by
12 the Ethics Commission to meet the objections of the
13 Legislative Rule-Making Review Committee and refiled in
14 the State Register on November 26, 2008, relating to the
15 Ethics Commission (interest in public contracts, 158 CSR
16 8), is authorized.

17 (c) The legislative rule filed in the State Register on July
18 29, 2008, authorized under the authority of section two,
19 article two, chapter six-b of this code, relating to the
20 Ethics Commission (voting, 158 CSR 9), is authorized.

21 (d) The legislative rule filed in the State Register on
22 August 21, 2008, authorized under the authority of section
23 five, article two, chapter six-b of this code, modified by
24 the Ethics Commission to meet the objections of the
25 Legislative Rule-Making Review Committee and refiled in
26 the State Register on November 26, 2008, relating to the
27 Ethics Commission (employment exemptions, 158 CSR 11),
28 is authorized.

29 (e) The legislative rule filed in the State Register on July
30 28, 2008, authorized under the authority of section two,
31 article two, chapter six-b of this code, modified by the
32 Ethics Commission to meet the objections of the Legisla-
33 tive Rule-Making Review Committee and refiled in the
34 State Register on September 5, 2008, relating to the Ethics
35 Commission (lobbying, 158 CSR 12), is authorized.

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36 (f) The legislative rule filed in the State Register on the
37 August 21, 2008, authorized under the authority of section
38 two, article two, chapter six-b of this code, relating to the
39 Ethics Commission (filing of verified time records, 158
40 CSR 14), is authorized.

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.

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Clerk of the Senate

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Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker House of Delegates

The within is approved this the 11th
Day of May, 2009.

.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 11:05