WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
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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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[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.


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

(b) The legislative rule filed in the State Register on August 13, 2008, 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 September 3, 2008, relating to the Consolidated Public Retirement Board (benefit determination and appeal, 162 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on August 13, 2008, 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 September 3, 2008, relating to the Consolidated Public Retirement Board (Teachers' Retirement System, 162 CSR 4), is authorized.

(d) The legislative rule filed in the State Register on August 13, 2008, 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.

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

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

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

(h) The legislative rule filed in the State Register on August 13, 2008, 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 September 3, 2008, relating to the Consolidated Public Retirement Board (West Virginia State Police, 162 CSR 9), is authorized.
§64-2-2. Division of Personnel.

1 The legislative rule filed in the State Register on July 25, 2008, authorized under the authority of section two, article four, chapter six-c 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 September 5, 2008, relating to the Division of Personnel (reimbursement of compensation paid to state employees for training, education and professional development, 143 CSR 8), is authorized.

§64-2-3. Department of Administration.

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

6 (b) The legislative rule filed in the State Register on August 28, 2008, 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 November 20, 2008, relating to the Department of Administration (parking, 148 CSR 6), is authorized.

14 (c) The legislative rule filed in the State Register on August 27, 2008, 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 December 12, 2008, relating to the Department of Administration (fair market
price determination, 186 CSR 1), is authorized, with the following amendment:

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

And,

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

(d) The legislative rule filed in the State Register on August 27, 2008, 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 December 12, 2008, relating to the Department of Administration (statewide contracts, 186 CSR 3), is authorized.

(e) The legislative rule filed in the State Register on August 27, 2008, 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 December 12, 2008, relating to the Department of Administration (qualifications for participation, 186 CSR 4), is authorized.


(a) The legislative rule filed in the State Register on August 21, 2008, authorized under the authority of section
five, article two, chapter six-b of this code, modified by the Ethics Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 26, 2008, relating to the Ethics Commission (purchase, sale or lease of personal property, 158 CSR 3), is authorized.

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

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

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

(e) The legislative rule filed in the State Register on July 28, 2008, authorized under the authority of section two, article two, chapter six-b of this code, modified by the Ethics Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 5, 2008, relating to the Ethics Commission (lobbying, 158 CSR 12), is authorized.
(f) The legislative rule filed in the State Register on the August 21, 2008, authorized under the authority of section two, article two, chapter six-b of this code, relating to the Ethics Commission (filing of verified time records, 158 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.

Clerk of the Senate

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 AM