

FILED

2010 MAR 22 PM 4: 35

**WEST VIRGINIA LEGISLATURE**  
SEVENTY-NINTH LEGISLATURE  
REGULAR SESSION, 2010

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 240**

(SENATORS MINARD, SNYDER,  
PREZIOSO, UNGER, BOLEY  
AND K. FACEMYER, *original sponsors*)

[Passed March 11, 2010; in effect from passage.]

SB 240

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OFFICE OF THE SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

# Senate Bill No. 240

(SENATORS MINARD, SNYDER, PREZIOSO,  
UNGER, BOLEY AND K. FACEMYER, *original sponsors*)

[Passed March 11, 2010; 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 Department of Administration; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; 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; authorizing certain of the agencies to promulgate certain legislative rules in the form

that the rules were filed in the State Register and as amended by the Legislature; authorizing the Division of Personnel to promulgate a legislative rule relating to the administration of the division; authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles; 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 and loan interest factors; and authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police.

*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. Division of Personnel.**

1 The legislative rule filed in the State Register on July 30,  
2 2009, authorized under the authority of section ten, article  
3 six, chapter nineteen of this code, (Administrative Rule of  
4 the West Virginia Division of Personnel, 143 CSR 1), is  
5 authorized with the following amendments:

6 On page six, subsection 3.88, by striking out "1000" and  
7 inserting in lieu thereof "720";

8 And,

9 On page twenty, subsection 9.4, by striking out "1000"  
10 and inserting in lieu thereof "720".

**§64-2-2. Department of Administration.**

1 The legislative rule filed in the State Register on July 30,  
2 2009, authorized under the authority of section forty-  
3 eight, article three, chapter five-a of this code, modified by  
4 the Department of Administration to meet the objections  
5 of the Legislative Rule-Making Review Committee and  
6 refiled in the State Register on October 21, 2009, relating  
7 to the Department of Administration (State Owned  
8 Vehicles, 148 CSR 3), is authorized, with the following  
9 amendment:

10 On page two, subsection 2.15, by striking out said  
11 subsection 2.15 in its entirety and inserting in lieu thereof  
12 a new subsection 2.15 to read as follows:

13 ‘2.15. “Vehicle” means any state or agency owned  
14 passenger-type vehicle including but is not limited to  
15 sedans, station wagons, minivans, pickup trucks classified  
16 as less than one ton, sport utility vehicles, or vans used  
17 primarily for the transportation of the driver and no more  
18 than 15 passengers.’;

19 On page nine, subsection 10.3, in the first sentence of  
20 said subsection, by striking out the words ‘Vehicles shall  
21 be leased from the Travel Management Office’ and insert-  
22 ing in lieu thereof the words ‘The Travel Management  
23 Office may lease vehicles to spending units’; and

24 On page ten, subsection 10.10, by striking out the words  
25 ‘An invoice will be issued on a regular basis.’ and inserting  
26 in lieu thereof the words ‘The Travel Management Office  
27 shall issue regular invoices to spending units for vehicle  
28 leases and services.’

**§64-2-3. Consolidated Public Retirement Board.**

1 (a) The legislative rule filed in the State Register on July  
2 30, 2009, authorized under the authority of section one,  
3 article ten-d, chapter five of this code, modified by the

4 Consolidated Public Retirement Board to meet the objec-  
5 tions of the Legislative Rule-Making Review Committee  
6 and refiled in the State Register on September 23, 2009,  
7 relating to the Consolidated Public Retirement Board  
8 (Teachers' Retirement System, 162 CSR 4), is authorized.

9 (b) The legislative rule filed in the State Register on July  
10 30, 2009, authorized under the authority of section one,  
11 article ten-d, chapter five of this code, modified by the  
12 Consolidated Public Retirement Board to meet the objec-  
13 tions of the Legislative Rule-Making Review Committee  
14 and refiled in the State Register on September 23, 2009,  
15 relating to the Consolidated Public Retirement Board  
16 (Public Employees Retirement System, 162 CSR 5), is  
17 authorized.

18 (c) The legislative rule filed in the State Register on July  
19 30, 2009, authorized under the authority of section one,  
20 article ten-d, chapter five of this code, relating to the  
21 Consolidated Public Retirement Board (Refund, Reinstatement  
22 and Loan Interest Factors, 162 CSR 7), is authorized.

23 (d) The legislative rule filed in the State Register on July  
24 30, 2009, authorized under the authority of section one,  
25 article ten-d, chapter five of this code, modified by the  
26 Consolidated Public Retirement Board to meet the objec-  
27 tions of the Legislative Rule-Making Review Committee  
28 and refiled in the State Register on September 23, 2009,  
29 relating to the Consolidated Public Retirement Board  
30 (West Virginia State Police, 162 CSR 9), is authorized with  
31 the following amendment:

32 On page four, subsection 6.3., by striking out the words  
33 "subdivision 9.3.2." and inserting in lieu thereof the words  
34 "subsection 3.2."

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

*[Handwritten Signature]*

.....

Chairman Senate Committee

*[Handwritten Signature]*

.....

Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*

.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *22nd*  
Day of *March* ..... 2010.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 19 2010

Time 4:00 pm