WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED
COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 112

(SENATORS MINARD, SNYDER, PREZIOSO, UNGER, BOLEY AND K. FACEMYER, ORIGINAL SPONSORS)

[Passed March 12, 2011; 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 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 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 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 general provisions; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to Teachers' Defined Contribution Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to Public Employees Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; and authorizing the Ethics Commission to promulgate a legislative rule relating to forms.

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. Department of Administration.

1 The legislative rule filed in the state register on the twenty-sixth day of July, two thousand ten, authorized under the authority of section two, article one, 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 twenty-first day of January, two thousand eleven, relating to the Department of Administration (state owned vehicles, 148 CSR 3), is authorized with the following amendments:

10 On page one, subsection 1.1., by striking out all of subsection 1.1 and inserting in lieu thereof a new subsection 1.1 to read as follows:

13 "1.1 Scope. - This Rule governs all state owned and leased vehicles and aircraft, including the minimal requirements for
all state spending units that have a state vehicle and/or aircraft in their possession.

On page four, section 4, by striking out all of section 4 and inserting in lieu thereof a new section four to read as follows:

§148-3-4. Titles to State owned or Long-Term Leased Vehicles

Vehicles may be titled in the name of the spending unit. The Fleet Management Office will coordinate with spending units to ensure standardized naming convention. For Model Years beginning with 2011, the Fleet Management Office will initiate the titling and registration process, digitize, and safeguard the original title. The original title documents for the Model Years prior to 2011 will be provided to the Fleet Management Office for digitization and safekeeping. Spending units will be provided with web-enabled, secure access to and/or digitized copy of the title documents. Original titling documents will be returned to the spending unit within five (5) business days of a determination by the Department of Administration, Board of Risk and Insurance Management that the vehicle is no longer insurable; or the vehicle is scheduled for decommissioning activity by the spending unit.

On page four, subsection 5.1., by striking out all of subsection 5.1. and inserting in lieu thereof a new subsection 5.1. to read as follows:

5.1. A vehicle lease may be terminated by the Fleet Management Office for failing to maintain the vehicle; vehicle abuse beyond the intended purpose of the vehicle; or becoming seriously delinquent (more than 90 days).

On pages four and five, subsection 5.4., by striking out all of subsection 5.4. and inserting in lieu thereof a new subsection 5.4. to read as follows:

5.4. All vehicles governed by this rule should meet minimum utilization criteria established by the Fleet
Management Office. Justification for each underutilized vehicle will be provided by the assigned Cabinet Secretary using the Fleet Management Office designated form. Utilization criteria will apply to each vehicle individually; consider periods of inactivity; specialized vehicle mission; cost effectiveness; minimum mileage requirements; and the current replacement methodology established by the Fleet Management Office. Minimum utilization criteria will be reviewed by the Fleet Management Office each fiscal year, provided to assigned cabinet secretary, and included in an annual report to the Executive and Legislative branches of State Government.”;

On page seven, after subdivision 8.8.6., by inserting a new subsection 8.9. to read as follows:

“8.9. Confidentially played vehicles may be excluded, at the discretion of the spending unit, from any automated fleet management program: Provided, That information necessary to accurately report the vehicle for asset management purposes, such as vehicle class, model year, drive type, in-service date, and odometer reading as well as vehicle commuting status for fringe benefit reporting purposes will be provided by the fifth working day of each month by the spending unit using the Fleet Management Office designated form.”;

On page nine, subsection 10.1., by striking out all of subsection 10.1. and inserting a new subsection 10.1. to read as follows:

“10.1. Any long-term vehicle lease must first be approved by the Fleet Management Office. Any vehicle purchase must first be reviewed by the Fleet Management Office. Regardless of vehicle acquisition method, spending units should not increase their fleet size without prior notification to the Fleet Management Office. A designated form will be processed by the Fleet Management Office with response provided to spending unit within five (5) business days from
And,

On page eleven, subdivision 10.9.1., by striking out the first sentence and inserting in lieu thereof a new first sentence to read as follows:

"Accidents and damage to vehicles and aircraft must be reported to the Fleet Management Office and the Board of Risk and Insurance Management by the spending unit on the day of the accident if practical or the next business day if it is impractical to report the accident."


(a) The legislative rule filed in the state register on the twenty-second day of July, two thousand ten, 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 the twenty-second day of July, two thousand ten, authorized under the authority of section one, article ten-d, chapter five of this code, relating to the Consolidated Public Retirement Board (Teachers' Defined Contribution System, 162 CSR 3), is authorized.

(c) The legislative rule filed in the state register on the twenty-second day of July, two thousand ten, 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 following amendments:

On page two, subdivision 5.1.4., by striking out the word "5.1.2." and inserting in lieu thereof the word "5.1.3.";
20 And,

21 On page two, subdivision 5.1.5., by striking out the word
22 "5.1.3." and inserting in lieu thereof the word "5.1.4.".

23 (d) The legislative rule filed in the state register on the
24 twenty-second day of July, two thousand ten, authorized
25 under the authority of section one, article ten-d, chapter five
26 of this code, relating to the Consolidated Public Retirement
27 Board (refund, reinstatement, retroactive service, loan and
28 employer error interest factors, 162 CSR 7), is authorized
29 with the following amendment:

30 On page five, subsection 4.2., by striking out all of subsec-
31 tion 4.2. and inserting in lieu thereof a new subsection 4.2. to
32 read as follows:

33 "4.2. West Virginia State Police Death, Disability and
34 Retirement Fund. In the event a member of the West Virginia
35 State Police Death, Disability and Retirement Funds re-
36 quests and is determined to be eligible to restore retirement
37 system service credit for periods of previously terminated
38 employment, the member shall pay into the West Virginia
39 State Police Retirement System as established in W. Va.
40 Code §15-2A-1 et seq., any contributions which the member
41 may have previously withdrawn from the West Virginia State
42 Police Death, Disability and Retirement Fund at the termi-
43 nation of any prior periods of employment, plus reinsta-
44 tement interest at the rate specified in W. Va. Code §15-2-
45 37(b)."

46 (e) The legislative rule filed in the state register on the
47 twenty-second day of July, two thousand ten, authorized
48 under the authority of section one, article ten-d, chapter five
49 of this code, relating to the Consolidated Public Retirement
50 Board (West Virginia State Police, 162 CSR 9), is authorized.


1 The legislative rule filed in the state register on the
2 twenty-fourth day of June, two thousand ten, authorized
[Enr. Com. Sub. for S. B. No. 112]

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 the twentieth day of
August, two thousand ten, relating to the Ethics Commission
(forms, 158 CSR 20), is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

Michael T. Feen
Vice Chairman House Committee

Originated in the Senate.
In effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
Acting President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 30th Day of March, 2011.

Earl Ray Tomblin
Governor