

FILED

2012 MAR 30 PM 4: 13

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

SECOND REGULAR SESSION, 2012



**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**House Bill No. 4142**

(By Delegates Brown, D. Poling, Fleischauer,  
Talbot and Overington)



Passed March 10, 2012

To Take Effect From Passage

HB 4142

FILED

ENROLLED  
2012 MAR 30 PM 4:13

COMMITTEE SUBSTITUTE  
WEST VIRGINIA  
SECRETARY OF STATE  
FOR

## H. B. 4142

---

(DELEGATES BROWN, D. POLING, FLEISCHAUER,  
TALBOTT AND OVERINGTON)

---

[Passed March 10, 2012; to take 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 certification for small,

women and minority-owned businesses; 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, loan and employer error interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; authorizing the Division of Personnel to promulgate a legislative rule relating to the administration of the Division; and authorizing the Division of Personnel to promulgate a legislative rule relating to Workers' Compensation temporary total disability.

*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  
2       fifteenth day of July, two thousand eleven, authorized under  
3       the authority of section fifty-nine, article three, chapter five-a,  
4       of this code, modified by the Department of Administration  
5       to meet the objections of the Legislative Rule-Making  
6       Review Committee and refiled in the State Register on the  
7       nineteenth day of September, two thousand eleven, relating  
8       to the Department of Administration (certification for small,  
9       women and minority-owned businesses, 148 CSR 22), is  
10      authorized.

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

1 (a) The legislative rule filed in the State Register on the  
2 twenty-seventh day of July, two thousand eleven, authorized  
3 under the authority of section one, article ten-d, chapter five,  
4 of this code, modified by the Consolidated Public Retirement  
5 Board to meet the objections of the Legislative Rule-Making  
6 Review Committee and refiled in the State Register on the  
7 twenty-third day of September, two thousand eleven, relating  
8 to the Consolidated Public Retirement Board (Public  
9 Employees Retirement System, 162 CSR 5), is authorized,  
10 with the following amendment:

11 On page three, section eight, subsection 8.1, after the  
12 words “fourteen and five-tenths (14.5%) of each  
13 compensation payment of all its employees who are members  
14 of the Public Employees Retirement System” by changing the  
15 period to a colon and inserting the following: “And provided  
16 further, that beginning July 1, 2012, each participating public  
17 employer shall contribute fourteen percent (14%) of each  
18 compensation payment of all its employees who are members  
19 of the Public Employees Retirement System”.

20 (b) The legislative rule filed in the State Register on the  
21 twenty-seventh day of July, two thousand eleven, authorized  
22 under the authority of section one, article ten-d, chapter five,  
23 of this code, relating to the Consolidated Public Retirement  
24 Board (refund, reinstatement, retroactive service, loan and  
25 employer error interest factors, 162 CSR 7), is authorized.

26 (c) The legislative rule filed in the State Register on the  
27 twenty-seventh day of July, two thousand eleven, authorized  
28 under the authority of section one, article ten-d, chapter five,  
29 of this code, relating to the Consolidated Public Retirement  
30 Board (West Virginia State Police, 162 CSR 9), is authorized,  
31 with the following amendment:

32 On page eight, section fourteen, subsection 14.1, line 10,  
33 after the words “seventeen and five-tenths (17.5%) of the  
34 monthly salary of each member of the West Virginia State  
35 Police Retirement System to the West Virginia State Police  
36 Retirement System” by changing the period to a colon and  
37 inserting the following: “And provided further, that  
38 beginning July 1, 2012, the West Virginia State Police shall  
39 contribute fifteen and five-tenths percent (15.5%) of the  
40 monthly salary of each member of the West Virginia State  
41 Police Retirement System to the West Virginia State Police  
42 Retirement System”.

**§64-2-3. Division of Personnel.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-second day of July, two thousand eleven, authorized  
3 under the authority of section ten, article six, chapter twenty-  
4 nine, of this code, modified by the Division of Personnel to  
5 meet the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on the eighteenth  
7 day of November, two thousand eleven, relating to the  
8 Division of Personnel (administrative rule of the West  
9 Virginia Division of Personnel, 143 CSR 1), is authorized,  
10 with the following amendments:

11 On page 10, line 3, by striking out the subsection  
12 designation “3.80” and inserting in lieu thereof the subsection  
13 designation “3.81”, and re-designating the remaining  
14 subsections accordingly;

15 On page forty-six, subdivision 12.4.(i), after the words  
16 “after layoff shall” by inserting the word “not”;

17 On page seventy, after subdivision 21.3.(b), by inserting  
18 a new section, designated section 22, to read as follows:

19 Section. Grievance Procedure.

20 An employee hired for permanent employment may file  
21 a grievance with the West Virginia Public Employees  
22 Grievance Board as provided in W. Va. Code §6C-2-1 et  
23 seq.;

24 And,

25 By renumbering the remaining sections.

26 (b) The legislative rule filed in the State Register on the  
27 twenty-second day of July, two thousand eleven, authorized  
28 under the authority of section one, article four, chapter  
29 twenty-three, of this code, modified by the Division of  
30 Personnel to meet the objections of the Legislative Rule-  
31 Making Review Committee and refiled in the State Register  
32 on the eighteenth day of November, two thousand eleven,  
33 relating to the Division of Personnel (Workers'  
34 Compensation temporary total disability, 143 CSR 3), is  
35 authorized.

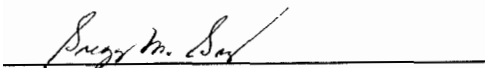
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
Chairman, House Committee

  
Chairman, Senate Committee

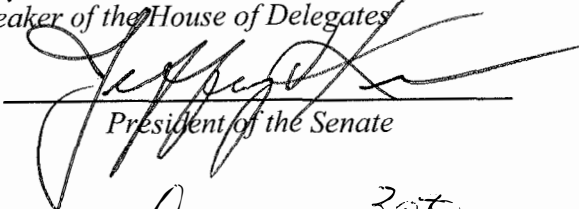
Originating in the House.

To take effect from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
President of the Senate

The within is approved this the 30<sup>th</sup>  
day of March, 2012.

FILED  
2012 MAR 30 PM 4:13  
OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

  
Governor

PRESENTED TO THE GOVERNOR

MAR 23, 2012

Time 3:35 pm