WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4142

(By 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 fifteenth day of July, two thousand eleven, authorized under the authority of section fifty-nine, article three, 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 nineteenth day of September, two thousand eleven, relating to the Department of Administration (certification for small, women and minority-owned businesses, 148 CSR 22), is authorized.

(a) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand eleven, 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 the twenty-third day of September, two thousand eleven, relating to the Consolidated Public Retirement Board (Public Employees Retirement System, 162 CSR 5), is authorized, with the following amendment:

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

(b) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand eleven, 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, loan and employer error interest factors, 162 CSR 7), is authorized.

(c) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand eleven, 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, with the following amendment:
On page eight, section fourteen, subsection 14.1, line 10, after the words “seventeen and five-tenths (17.5%) of the monthly salary of each member of the West Virginia State Police Retirement System to the West Virginia State Police Retirement System” by changing the period to a colon and inserting the following: “And provided further, that beginning July 1, 2012, the West Virginia State Police shall contribute fifteen and five-tenths percent (15.5%) of the monthly salary of each member of the West Virginia State Police Retirement System to the West Virginia State Police Retirement System”.


(a) The legislative rule filed in the State Register on the twenty-second day of July, two thousand eleven, authorized under the authority of section ten, article six, chapter twenty-nine, 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 the eighteenth day of November, two thousand eleven, relating to the Division of Personnel (administrative rule of the West Virginia Division of Personnel, 143 CSR 1), is authorized, with the following amendments:

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

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

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

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

And,

By renumbering the remaining sections.

(b) The legislative rule filed in the State Register on the twenty-second day of July, two thousand eleven, authorized under the authority of section one, article four, chapter twenty-three, 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 the eighteenth day of November, two thousand eleven, relating to the Division of Personnel (Workers’ Compensation temporary total disability, 143 CSR 3), is 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.

The within is approved this the __ day of __________, 2012.
PRESENTED TO THE GOVERNOR

MAR 23, 2017

Time 3:35 p.m.