

HB 2652

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2652**

(By Delegate(s) Poore, Marcum, Fleischauer,  
Frich, Eldridge, and Sobonya)



Passed April 9, 2013

In effect from passage.

SECRETARY OF STATE

2013 APR 30 PM 2:47

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**ENROLLED**

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES  
STATE OF WEST VIRGINIA

COMMITTEE SUBSTITUTE

for

**H. B. 2652**

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(DELEGATE(S) POORE, MARCUM, FLEISCHAUER, FRICH,  
ELDRIDGE, AND SOBONYA)

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[Passed April 9, 2013; in effect from passage.]

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**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 selecting design-builders under the Design-Build Procurement Act; 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 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; 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. Department of Administration.**

1       (a) The legislative rule filed in the State Register on the  
2 thirtieth day of August, two thousand twelve, authorized under  
3 the authority of section six, article twenty-two-a, chapter five, of  
4 this code, modified by the Department of Administration to meet  
5 the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on the nineteenth  
7 day of December, two thousand twelve, relating to the  
8 Department of Administration (selecting design-builders under  
9 the Design-Build Procurement Act, 148 CSR 11), is authorized,  
10 with the amendment set forth below:

11 On page one, section four, subsection 4.1, line twelve,  
12 following the word "Section", by striking "11" and inserting in  
13 lieu thereof "10".

14 (b) The legislative rule filed in the State Register on the  
15 thirtieth day of August, two thousand twelve, authorized under  
16 the authority of section forty-eight, article three, chapter five-a,  
17 of this code, modified by the Department of Administration to  
18 meet the objections of the Legislative Rule-Making Review  
19 Committee and refiled in the State Register on the nineteenth  
20 day of December, two thousand twelve, relating to the  
21 Department of Administration (state owned vehicles, 148 CSR  
22 3), is authorized, with the amendment set forth below:

23 On page five, section six, subdivision 6.2.1, line sixteen,  
24 following the words "minimum of 1664 hours weekly", by  
25 striking out the number "500" and inserting in lieu thereof the  
26 number "1,100".

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

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

10 On page two, section three, by striking out the subsection  
11 designation 3.1;

12 On page two, section three, lines eight and nine, by  
13 underlining the words "and the Municipal Police Officers and  
14 Firefighters Retirement System (W.Va. Code §8-22A, et seq.)";

15 On page two, section five, subsection 5.4, line seven, after  
16 the words “involved by reason”, by striking out the word “or”  
17 and inserting in lieu thereof the word “of”;

18 On page three, section six, subsection 6.1, lines five and six,  
19 by underlining the words “and the Municipal Police Officers and  
20 Firefighters Retirement System”;

21 On page three, subsection 6.2, following line two, by striking  
22 “4.4” and inserting in lieu thereof “5.4”;

23 On page four, section seven, subdivision 7.2.c, line two, after  
24 the word “~~ex-spouse~~”, by striking out the underlined word “and”;

25 On page five, section seven, subdivision 7.2.f., line ten, by  
26 striking out the word “ser” and inserting in lieu thereof, the word  
27 “set”;

28 On page six, subdivision 7.2.h, line three, following the  
29 words “retirant and the”, by striking the words “former spouse”  
30 and inserting in lieu thereof “alternate payee”;

31 And,

32 On page six, subdivision 7.2.h, line three, following the  
33 words “Payments to the”, by striking the words “former spouse”  
34 and inserting in lieu thereof “alternate payee”.

35 (b) The legislative rule filed in the State Register on the  
36 twenty-second day of August, two thousand twelve, authorized  
37 under the authority of section one, article ten-d, chapter five, of  
38 this code, modified by the Consolidated Public Retirement Board  
39 to meet the objections of the Legislative Rule-Making Review  
40 Committee and refiled in the State Register on the twentieth day  
41 of September, two thousand twelve, relating to the Consolidated  
42 Public Retirement Board (benefit determination and appeal, 162  
43 CSR 2), is authorized, with the following amendment:

44 On page six, section eight, by striking out the subsection  
45 designation 8.1;

46 On page six, section nine, by striking out the subsection  
47 designation 9.1.;

48 On page six, section nine, line four, after the words  
49 "financial information", by striking out the word "are" and  
50 inserting in lieu thereof, the word "is";

51 And,

52 On page six, section ten, by striking out the subsection  
53 designation 10.1.

54 (c) The legislative rule filed in the State Register on the  
55 twenty-second day of August, two thousand twelve, authorized  
56 under the authority of section one, article ten-d, chapter five, of  
57 this code, modified by the Consolidated Public Retirement Board  
58 to meet the objections of the Legislative Rule-Making Review  
59 Committee and refiled in the State Register on the twentieth day  
60 of September, two thousand twelve, relating to the Consolidated  
61 Public Retirement Board (Teachers' Retirement System, 162  
62 CSR 4), is authorized, with the following amendment:

63 On page five, section four, subdivision 4.12.1, line four,  
64 following "W.Va. Code §5-16-13(f)", by inserting "and (m)".

65 (d) The legislative rule filed in the State Register on the  
66 twenty-second day of August, two thousand twelve, authorized  
67 under the authority of section one, article ten-d, chapter five, of  
68 this code, modified by the Consolidated Public Retirement Board  
69 to meet the objections of the Legislative Rule-Making Review  
70 Committee and refiled in the State Register on the twentieth day  
71 of September, two thousand twelve, relating to the Consolidated  
72 Public Retirement Board (Public Employees Retirement System,  
73 162 CSR 5), is authorized, with the following amendment:

74 On Page three, subsection 8.1., after the word "System" by  
75 changing the period to a colon and inserting the following  
76 proviso: *And provided further*, That beginning July 1, 2013, each  
77 participating public employer shall contribute fourteen and five-  
78 tenths percent (14.5%) of each compensation payment of all its  
79 employees who are members of the Public Employees  
80 Retirement System.

81 (e) The legislative rule filed in the State Register on the  
82 twenty-second day of August, two thousand twelve, authorized  
83 under the authority of section one, article ten-d, chapter five, of  
84 this code, relating to the Consolidated Public Retirement Board  
85 (West Virginia State Police, 162 CSR 9), is authorized, with the  
86 amendment set forth below:

87 On page eight, section two, after line seventy-nine, by  
88 inserting the following:

89 On page eight, subsection 14.1., after the word "System" by  
90 changing the period to a colon and inserting the following  
91 proviso: "*And provided further*, That beginning July 1, 2013, the  
92 West Virginia State Police shall contribute fourteen and five-  
93 tenths percent (14.5%) of the monthly salary of each member of  
94 the West Virginia State Police Retirement System to the West  
95 Virginia State Police Retirement System;

96 On page nine, section eighteen, subsection 18.1, line five,  
97 following the word "lifetime", by inserting "or until he or she  
98 remarries. If there is no surviving spouse or if the surviving  
99 spouse remarries or dies, then payments are to be paid to the  
100 dependent children or dependent parents of the deceased retirant  
101 as provided in subsection (a), section fourteen, article two-a,  
102 chapter fifteen of the code."

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

*Jonny Wells*

Chairman, House Committee

*[Signature]*

Chairman, Senate Committee

Originating in the House.

In effect from passage.

*Gregory D. Sney*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*Rob*

Speaker of the House of Delegates

*Jerry A.*

President of the Senate

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SECRETARY OF STATE

The within is approved this the 30th  
day of April, 2013.

*Earl Ray Tomblin*  
Governor



**PRESENTED TO THE GOVERNOR**

**APR 22 2013**

Time 2:10 pm