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.
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.

(a) The legislative rule filed in the State Register on the thirtieth day of August, two thousand twelve, authorized under the authority of section six, article twenty-two-a, chapter five, 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 December, two thousand twelve, relating to the Department of Administration (selecting design-builders under the Design-Build Procurement Act, 148 CSR 11), is authorized, with the amendment set forth below:
On page one, section four, subsection 4.1, line twelve, following the word “Section”, by striking “11” and inserting in lieu thereof “10”.

(b) The legislative rule filed in the State Register on the thirtieth day of August, two thousand twelve, authorized under the authority of section forty-eight, 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 December, two thousand twelve, relating to the Department of Administration (state owned vehicles, 148 CSR 3), is authorized, with the amendment set forth below:

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


(a) The legislative rule filed in the State Register on the twenty-second day of August, two thousand twelve, 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 twentieth day of September, two thousand twelve, relating to the Consolidated Public Retirement Board (general provisions, 162 CSR 1), is authorized, with the following amendments:

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

On page two, section three, lines eight and nine, by underlining the words “and the Municipal Police Officers and Firefighters Retirement System (W.Va. Code §8-22A, et seq.)”;
On page two, section five, subsection 5.4, line seven, after the words "involved by reason", by striking out the word "or" and inserting in lieu thereof the word "of";

On page three, section six, subsection 6.1, lines five and six, by underlining the words "and the Municipal Police Officers and Firefighters Retirement System";

On page three, subsection 6.2, following line two, by striking "4.4" and inserting in lieu thereof "5.4";

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

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

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

And,

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

(b) The legislative rule filed in the State Register on the twenty-second day of August, two thousand twelve, 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 twentieth day of September, two thousand twelve, relating to the Consolidated Public Retirement Board (benefit determination and appeal, 162 CSR 2), is authorized, with the following amendment:
On page six, section eight, by striking out the subsection designation 8.1;

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

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

And,

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

(c) The legislative rule filed in the State Register on the twenty-second day of August, two thousand twelve, 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 twentieth day of September, two thousand twelve, relating to the Consolidated Public Retirement Board (Teachers' Retirement System, 162 CSR 4), is authorized, with the following amendment:

On page five, section four, subdivision 4.12.1, line four, following "W.Va. Code §5-16-13(0", by inserting "and (m)".

(d) The legislative code §5-16-13(f)", by inserting “and (m)”.

On page five, section four, subdivision 4.12.1, line four, following "W.Va. Code §5-16-13(0", by inserting "and (m)".

(d) The legislative rule filed in the State Register on the twenty-second day of August, two thousand twelve, 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 twentieth day of September, two thousand twelve, relating to the Consolidated Public Retirement Board (Public Employees Retirement System, 162 CSR 5), is authorized, with the following amendment:
On Page three, subsection 8.1., after the word “System” by changing the period to a colon and inserting the following proviso: _And provided further_, That beginning July 1, 2013, each participating public employer shall contribute fourteen and five-tenths percent (14.5%) of each compensation payment of all its employees who are members of the Public Employees Retirement System.

(e) The legislative rule filed in the State Register on the twenty-second day of August, two thousand twelve, 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 amendment set forth below:

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

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

On page nine, section eighteen, subsection 18.1, line five, following the word “lifetime”, by inserting “or until he or she remarries. If there is no surviving spouse or if the surviving spouse remarries or dies, then payments are to be paid to the dependent children or dependent parents of the deceased retirant as provided in subsection (a), section fourteen, article two-a, chapter fifteen of the code.”
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.
In 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 ____ day of ____ 2013.

Governor
PRESENTED TO THE GOVERNOR

APR 22 2013

Time 2:10 pm