

FILED

2001 APR 23 P 4: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for
SENATE BILL NO. 298

(By Senator Ross, et al)

PASSED April 13, 2001

In Effect from **Passage**

FILED

2001 APR 23 P 4: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 298

(SENATORS ROSS, ANDERSON, MINARD, SNYDER, UNGER
AND MINEAR, *original sponsors*)

[Passed April 13, 2001; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact article two of said chapter, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; clarifying legislative intent relating to promulgation or legislative rules; modifying method of disapproval of certain legislative rules; legislative mandate or authorization for the promulgation of certain legislative rules; 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 as amended by the Legislature; 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 department of administration to promulgate a legislative rule relating to rules for selecting design-builders; authorizing department of administration and auditor to promulgate a legislative rule relating to state purchasing card program; authorizing consolidated public retirement board to promulgate a legislative rule relating to general provisions; authorizing consolidated public retirement board to promulgate a legislative rule relating to consolidated public retirement board benefit determination and appeal; authorizing consolidated public retirement board to promulgate a legislative rule relating to teachers' defined contribution system; authorizing consolidated public retirement board to promulgate a legislative rule relating to teachers' defined benefit plan; authorizing consolidated public retirement board to promulgate a legislative rule relating to public employees retirement system; and authorizing consolidated public retirement board to promulgate a legislative rule relating to service credit for accrued and unused sick and annual leave.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article two of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

1 Under the provisions of article three, chapter
2 twenty-nine-a of the code of West Virginia, the Legislature
3 expressly authorizes the promulgation of the rules de-
4 scribed in articles two through eleven, inclusive, of this
5 chapter, subject only to the limitations set forth with
6 respect to each such rule in the section or sections of this
7 chapter authorizing its promulgation. Legislative rules
8 promulgated pursuant to the provisions of articles one
9 through eleven, inclusive, of this chapter in effect at the
10 effective date of this section shall continue in full force
11 and effect until reauthorized in this chapter by legislative
12 enactment or until amended by emergency rule pursuant
13 to the provisions of article three, chapter twenty-nine-a of
14 this code.

**ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION
TO PROMULGATE LEGISLATIVE RULES.**

§64-2-1. Department of administration and the auditor.

1 (a) The legislative rule filed in the state register on the
2 twenty-third day of March, two thousand, authorized
3 under the authority of section six, article twenty-two-a,
4 chapter five of this code, modified by the department of
5 administration to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the twenty-fourth day of May, two thousand,
8 relating to the department of administration (rules for
9 selecting design-builders under the design build procure-
10 ment act, 148 CSR 11), is authorized with the following
11 amendment:

12 “On page seven, section eleven, after subsection 11.8 by
13 inserting ‘11.9. For the purpose of this section, “awarding
14 authority” means the entity having authority to issue and
15 sign the purchase order for the construction or lease-
16 purchase of the project.”

17 (b) The legislative rule filed in the state register on the
18 tenth day of August, two thousand, under the authority of
19 section ten-a, article three, chapter twelve of this code,

20 modified by the department of administration and the
21 auditor to meet the objections of the legislative rule-
22 making review committee and refiled in the state register
23 on the twentieth day of September, two thousand, relating
24 to the department of administration and the auditor (state
25 purchasing card program, 148 CSR 7), is authorized.

§64-2-2. Consolidated public retirement board.

1 (a) The legislative rule filed in the state register on the
2 first day of September, two thousand, under the authority
3 of section one, article ten-d, chapter five of this code,
4 modified by the consolidated public retirement board to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the twenty-
7 eighth day of November, two thousand, relating to the
8 consolidated public retirement board (general provisions,
9 162 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the
11 first day of September, two thousand, authorized under
12 the authority of section one, article ten-d, chapter five of
13 this code, modified by the consolidated public retirement
14 board to meet the objections of the legislative rule-making
15 review committee and refiled in the state register on the
16 twenty-eighth day of November, two thousand, relating to
17 the consolidated public retirement board (consolidated
18 public retirement board benefit determination and appeal,
19 162 CSR 2), is authorized.

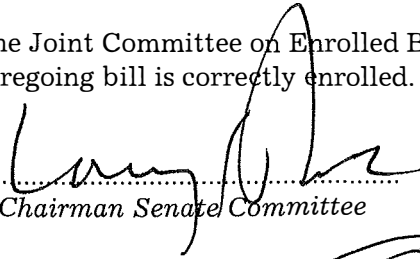
20 (c) The legislative rule filed in the state register on the
21 first day of September, two thousand, under the authority
22 of section one, article ten-d, chapter five of this code,
23 modified by the consolidated public retirement board to
24 meet the objections of the legislative rule-making review
25 committee and refiled in the state register on the twenty-
26 eighth day of November, two thousand, relating to the
27 consolidated public retirement board (teachers' defined
28 contribution system, 162 CSR 3), is authorized.

29 (d) The legislative rule filed in the state register on the
30 first day of September, two thousand, under the authority
31 of section one, article ten-d, chapter five of this code,
32 modified by the consolidated public retirement board to
33 meet the objections of the legislative rule-making review
34 committee and refiled in the state register on the four-
35 teenth day of December, two thousand, relating to the
36 consolidated public retirement board (teachers' defined
37 benefit plan, 162 CSR 4), is authorized.

38 (e) The legislative rule filed in the state register on the
39 first day of September, two thousand, under the authority
40 of section one, article ten-d, chapter five of this code,
41 modified by the consolidated public retirement board to
42 meet the objections of the legislative rule-making review
43 committee and refiled in the state register on the twenty-
44 eighth day of November, two thousand, relating to the
45 consolidated public retirement board (public employees
46 retirement system, 162 CSR 5), is authorized.

47 (f) The legislative rule filed in the state register on the
48 first day of September, two thousand, authorized under
49 the authority of section one, article ten-d, chapter five of
50 this code, modified by the consolidated public retirement
51 board to meet the objections of the legislative rule-making
52 review committee and refiled in the state register on the
53 fourteenth day of December, two thousand, relating to the
54 consolidated public retirement board (service credit for
55 accrued and unused sick and annual leave, 162 CSR 8), is
56 disapproved.

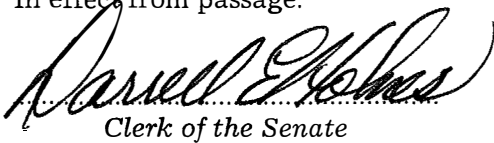
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee

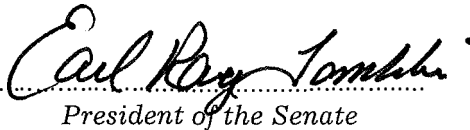

.....
Chairman House Committee

Originated in the Senate.

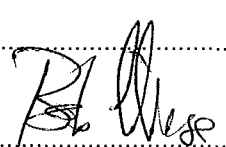
In effect from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this the 23rd
Day of April, 2001.

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/01

Time 3:55 pm