

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2652**

4 (Delegates Poore, Marcum, Fleischauer, Frich,
5 Eldridge, and Sobonya)

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

7
8
9 A BILL to amend and reenact article 2, chapter 64 of the Code of
10 West Virginia, 1931, as amended, relating generally to the
11 promulgation of administrative rules by the Department of
12 Administration; legislative mandate or authorization for the
13 promulgation of certain legislative rules by various executive
14 or administrative agencies of the state; authorizing certain
15 of the agencies to promulgate certain legislative rules in the
16 form that the rules were filed in the State Register;
17 authorizing certain of the agencies to promulgate certain
18 legislative rules with various modifications presented to and
19 recommended by the Legislative Rule-Making Review Committee;
20 authorizing certain of the agencies to promulgate certain
21 legislative rules with various modifications presented to and
22 recommended by the Legislative Rule-Making Review Committee
23 and as amended by the Legislature; authorizing certain of the
24 agencies to promulgate certain legislative rules in the form
25 that the rules were filed in the State Register and as amended

1 by the Legislature; authorizing the Department of
2 Administration to promulgate a legislative rule relating to
3 selecting design-builders under the Design-Build Procurement
4 Act; authorizing the Department of Administration to
5 promulgate a legislative rule relating to state owned
6 vehicles; authorizing the Consolidated Public Retirement Board
7 to promulgate a legislative rule relating to general
8 provisions; authorizing the Consolidated Public Retirement
9 Board to promulgate a legislative rule relating to benefit
10 determination and appeal; authorizing the Consolidated Public
11 Retirement Board to promulgate a legislative rule relating to
12 the Teachers' Retirement System; authorizing the Consolidated
13 Public Retirement Board to promulgate a legislative rule
14 relating to the Public Employees Retirement System; and
15 authorizing the Consolidated Public Retirement Board to
16 promulgate a legislative rule relating to the West Virginia
17 State Police.

18 *Be it enacted by the Legislature of West Virginia:*

19 That article 2, chapter 64 of the Code of West Virginia, 1931,
20 as amended, be amended and reenacted to read as follows:

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

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

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

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

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

1 **§64-2-2. Consolidated Public Retirement Board.**

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

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

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

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

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

22 On page three, subsection 6.2, following line two, by striking
23 "4.4" and inserting in lieu thereof "5.4";

24 On page four, section seven, subdivision 7.2.c, line two,

1 after the word "", by striking out the underlined word "and";

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

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

8 And,

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

12 (b) The legislative rule filed in the State Register on the
13 twenty-second day of August, two thousand twelve, authorized under
14 the authority of section one, article ten-d, chapter five, of this
15 code, modified by the Consolidated Public Retirement Board to meet
16 the objections of the Legislative Rule-Making Review Committee and
17 refiled in the State Register on the twentieth day of September,
18 two thousand twelve, relating to the Consolidated Public Retirement
19 Board (benefit determination and appeal, [162 CSR 2](#)), is authorized,
20 with the following amendment:

21 On page six, section eight, by striking out the subsection
22 designation 8.1;;

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

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

4 And,

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

7 (c) The legislative rule filed in the State Register on the
8 twenty-second day of August, two thousand twelve, authorized under
9 the authority of section one, article ten-d, chapter five, of this
10 code, modified by the Consolidated Public Retirement Board to meet
11 the objections of the Legislative Rule-Making Review Committee and
12 refiled in the State Register on the twentieth day of September,
13 two thousand twelve, relating to the Consolidated Public Retirement
14 Board (Teachers' Retirement System, [162 CSR 4](#)), is authorized, with
15 the following amendment:

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

18 (d) The legislative rule filed in the State Register on the
19 twenty-second day of August, two thousand twelve, authorized under
20 the authority of section one, article ten-d, chapter five, of this
21 code, modified by the Consolidated Public Retirement Board to meet
22 the objections of the Legislative Rule-Making Review Committee and
23 refiled in the State Register on the twentieth day of September,
24 two thousand twelve, relating to the Consolidated Public Retirement

1 Board (Public Employees Retirement System, [162 CSR 5](#)), is
2 authorized , with the following amendment:

3 On page three, subsection 8.1., after the word "System" by
4 changing the period to a colon and inserting the following proviso:
5 And provided further, That beginning July 1, 2013, each
6 participating public employer shall contribute fourteen and five-
7 tenths percent (14.5%) of each compensation payment of all its
8 employees who are members of the Public Employees Retirement
9 System.;

10 And,

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

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

20 (e) The legislative rule filed in the State Register on the
21 twenty-second day of August, two thousand twelve, authorized under
22 the authority of section one, article ten-d, chapter five, of this
23 code, relating to the Consolidated Public Retirement Board (West
24 Virginia State Police, [162 CSR 9](#)), is authorized, with the

1 amendment set forth below:

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