

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4142**

5 (Delegate Brown, Poling, D., Fleischauer,
6 Talbott and Overington)

7 [Passed March 10, 2012; in effect from passage.]

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

1 that the rules were filed in the State Register and as amended
2 by the Legislature; authorizing the Department of
3 Administration to promulgate a legislative rule relating to
4 certification for small, women and minority-owned businesses;
5 authorizing the Consolidated Public Retirement Board to
6 promulgate a legislative rule relating to the Public Employees
7 Retirement System; authorizing the Consolidated Public
8 Retirement Board to promulgate a legislative rule relating to
9 refund, reinstatement, retroactive service, loan and employer
10 error interest factors; authorizing the Consolidated Public
11 Retirement Board to promulgate a legislative rule relating to
12 the West Virginia State Police; authorizing the Division of
13 Personnel to promulgate a legislative rule relating to the
14 administration of the Division; and authorizing the Division
15 of Personnel to promulgate a legislative rule relating to
16 Workers' Compensation temporary total disability.

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

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

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

22 **§64-2-1. Department of Administration.**

23 The legislative rule filed in the State Register on the
24 fifteenth day of July, two thousand eleven, authorized under the
25 authority of section fifty-nine, article three, chapter five-a, of

1 this code, modified by the Department of Administration to meet the
2 objections of the Legislative Rule-Making Review Committee and
3 refiled in the State Register on the nineteenth day of September,
4 two thousand eleven, relating to the Department of Administration
5 (certification for small, women and minority-owned businesses, [148](#)
6 [CSR 22](#)), is authorized.

7 **§64-2-2. Consolidated Public Retirement Board.**

8 (a) The legislative rule filed in the State Register on the
9 twenty-seventh day of July, two thousand eleven, authorized under
10 the authority of section one, article ten-d, chapter five, of this
11 code, modified by the Consolidated Public Retirement Board to meet
12 the objections of the Legislative Rule-Making Review Committee and
13 refiled in the State Register on the twenty-third day of September,
14 two thousand eleven, relating to the Consolidated Public Retirement
15 Board (Public Employees Retirement System, [162 CSR 5](#)), is
16 authorized, with the following amendment:

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

25 (b) The legislative rule filed in the State Register on the

1 twenty-seventh day of July, two thousand eleven, authorized under
2 the authority of section one, article ten-d, chapter five, of this
3 code, relating to the Consolidated Public Retirement Board (refund,
4 reinstatement, retroactive service, loan and employer error
5 interest factors, [162 CSR 7](#)), is authorized.

6 (c) The legislative rule filed in the State Register on the
7 twenty-seventh day of July, two thousand eleven, authorized under
8 the authority of section one, article ten-d, chapter five, of this
9 code, relating to the Consolidated Public Retirement Board (West
10 Virginia State Police, [162 CSR 9](#)), is authorized, with the
11 following amendment:

12 On page eight, section fourteen, subsection 14.1, line 10,
13 after the words "seventeen and five-tenths (17.5%) of the monthly
14 salary of each member of the West Virginia State Police Retirement
15 System to the West Virginia State Police Retirement System" by
16 changing the period to a colon and inserting the following: "And
17 provided further, that beginning July 1, 2012, the West Virginia
18 State Police shall contribute fifteen and five-tenths percent
19 (15.5%) of the monthly salary of each member of the West Virginia
20 State Police Retirement System to the West Virginia State Police
21 Retirement System."

22 **§64-2-3. Division of Personnel.**

23 (a) The legislative rule filed in the State Register on the
24 twenty-second day of July, two thousand eleven, authorized under
25 the authority of section ten, article six, chapter twenty-nine, of

1 this code, modified by the Division of Personnel to meet the
2 objections of the Legislative Rule-Making Review Committee and
3 refiled in the State Register on the eighteenth day of November,
4 two thousand eleven, relating to the Division of
5 Personnel (administrative rule of the West Virginia Division of
6 Personnel, [143 CSR 1](#)), is authorized, with the following
7 amendments:

8 On page 10, line 3, by striking out the subsection designation
9 "3.80" and inserting in lieu thereof the subsection designation
10 "3.81", and re-designating the remaining subsections accordingly;

11 On page forty-six, subdivision 12.4.(i), after the words
12 "after layoff shall" by inserting the word "not";

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

15 Section. Grievance Procedure

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

19 And,

20 By renumbering the remaining sections.

21 (b) The legislative rule filed in the State Register on the
22 twenty-second day of July, two thousand eleven, authorized under
23 the authority of section one, article four, chapter twenty-three,
24 of this code, modified by the Division of Personnel to meet the
25 objections of the Legislative Rule-Making Review Committee and

1 refiled in the State Register on the eighteenth day of November,
2 two thousand eleven, relating to the Division of Personnel
3 (Workers' Compensation temporary total disability, 143 CSR 3), is
4 authorized.