

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2652**

5 (Delegates Poore, Marcum, Fleischauer, Frich,

6 Eldridge, and Sobonya)

7 [Passed April 10, 2013; 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 selecting design-builders under the Design-Build Procurement  
5 Act; authorizing the Department of Administration to  
6 promulgate a legislative rule relating to state owned  
7 vehicles; authorizing the Consolidated Public Retirement Board  
8 to promulgate a legislative rule relating to general  
9 provisions; authorizing the Consolidated Public Retirement  
10 Board to promulgate a legislative rule relating to benefit  
11 determination and appeal; authorizing the Consolidated Public  
12 Retirement Board to promulgate a legislative rule relating to  
13 the Teachers' Retirement System; authorizing the Consolidated  
14 Public Retirement Board to promulgate a legislative rule  
15 relating to the Public Employees Retirement System; and  
16 authorizing the Consolidated Public Retirement Board to  
17 promulgate a legislative rule relating to the West Virginia  
18 State Police.

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

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

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

24 **§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 (e) The legislative rule filed in the State Register on the  
11 twenty-second day of August, two thousand twelve, authorized under  
12 the authority of section one, article ten-d, chapter five, of this  
13 code, relating to the Consolidated Public Retirement Board (West  
14 Virginia State Police, [162 CSR 9](#)), is authorized, with the  
15 amendment set forth below:

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

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

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