

COMMITTEE SUBSTITUTE

for

H. B. 2652

(DELEGATE(S) POORE, MARCUM, FLEISCHAUER, FRICH,
ELDRIDGE, AND SOBONYA)

(Originating in the Committee on the Judiciary)
[March 22, 2013]

A BILL 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.

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

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

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

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

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

1 (a) The legislative rule filed in the State Register on the
2 twenty-second day of August, two thousand twelve, authorized
3 under the authority of section one, article ten-d, chapter five, of
4 this code, modified by the Consolidated Public Retirement Board
5 to meet the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on the twentieth day

7 of September, two thousand twelve, relating to the Consolidated
8 Public Retirement Board (general provisions, 162 CSR 1), is
9 authorized, with the following amendments:

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

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

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

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

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

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

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

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

31 And,

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

35 (b) The legislative rule filed in the State Register on the
36 twenty-second day of August, two thousand twelve, authorized
37 under the authority of section one, article ten-d, chapter five, of
38 this code, modified by the Consolidated Public Retirement Board
39 to meet the objections of the Legislative Rule-Making Review
40 Committee and refiled in the State Register on the twentieth day
41 of September, two thousand twelve, relating to the Consolidated
42 Public Retirement Board (benefit determination and appeal, 162
43 CSR 2), is authorized, with the following amendment:

44 On page six, section eight, by striking out the subsection
45 designation 8.1;

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

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

51 And,

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

54 (c) The legislative rule filed in the State Register on the
55 twenty-second day of August, two thousand twelve, authorized
56 under the authority of section one, article ten-d, chapter five, of
57 this code, modified by the Consolidated Public Retirement Board
58 to meet the objections of the Legislative Rule-Making Review
59 Committee and refiled in the State Register on the twentieth day
60 of September, two thousand twelve, relating to the Consolidated
61 Public Retirement Board (Teachers’ Retirement System, 162
62 CSR 4), is authorized, with the following amendment:

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

65 (d) The legislative rule filed in the State Register on the
66 twenty-second day of August, two thousand twelve, authorized
67 under the authority of section one, article ten-d, chapter five, of

68 this code, modified by the Consolidated Public Retirement Board
69 to meet the objections of the Legislative Rule-Making Review
70 Committee and refiled in the State Register on the twentieth day
71 of September, two thousand twelve, relating to the Consolidated
72 Public Retirement Board (Public Employees Retirement System,
73 162 CSR 5), is authorized.

74 (e) The legislative rule filed in the State Register on the
75 twenty-second day of August, two thousand twelve, authorized
76 under the authority of section one, article ten-d, chapter five, of
77 this code, relating to the Consolidated Public Retirement Board
78 (West Virginia State Police, 162 CSR 9), is authorized, with the
79 amendment set forth below:

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