WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4114

By Delegate Foster

[Introduced January 18, 2022; referred to the Committee on the Judiciary]

A BILL to amend and reenact §64-2-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Ethics Commission to promulgate a legislative rule relating to use of office for private gain, including nepotism; authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative rule of the West Virginia Division of Personnel; authorizing the Office of Technology to promulgate a legislative rule relating to the Chief Information Officer review; and authorizing the Office of Technology to promulgate a legislative rule relating to cyber reporting.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. Authorization for Department of Administration to promulgate legislative rules.

§64-2-1. Ethics Commission.

The legislative rule filed in the State Register on May 12, 2021, authorized under the authority of §6B-2-5 of this code, modified by the Ethics Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2021, relating to the Ethics Commission (Use of Office for Private Gain, Including Nepotism, [158 CSR 06](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=158-06)), is authorized with the following amendment:

On page 2, subdivision 3.6.1, after the word “unless” by inserting the words “required by law and”.

§64-2-2. Division of Personnel.

The legislative rule filed in the State Register on July 29, 2021, authorized under the authority of §29-6-10 of this code, modified by the Division of Personnel to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 24, 2021, relating to the Division of Personnel (Administrative Rule of the West Virginia Division of Personnel, [143 CSR 01](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=143-01)), is authorized.

§64-2-3. Office of Technology.

1. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §5A-6-4 of this code, modified by the Office of Technology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2021, relating to the Office of Technology (Chief Information Officer Review , [163 CSR 02](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=163-02)), is authorized.
2. The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §5A-6B-3 of this code, modified by the Office of Technology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2021, relating to the Office of Technology (Cyber Reporting, 163 CSR 03), is authorized.

NOTE: The purpose of this bill is to authorize the Ethics Commission to promulgate a legislative rule relating to Use of Office for Private Gain, Including Nepotism.

This section is new; therefore, strike-throughs and underscoring have been omitted.