WEST VIRGINIA CODE CHAPTER 4 ARTICLE 3

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§4-3-1. Continued as statutory body; composition; appointment and terms of members.

The Joint Committee on Government and Finance, heretofore existing under a joint rule of the Senate and House of Delegates, is hereby continued as a statutory body. This committee shall be composed of seven members of the Senate, six of whom shall be appointed by the President of the Senate, and seven members of the House of Delegates, six of whom shall be appointed by the Speaker of the House of Delegates. The six members appointed by the President of the Senate shall include the majority leader of the Senate, the minority leader of the Senate, the chairman of the Senate committee on the judiciary and the chairman of the Senate committee on finance. The six members appointed by the Speaker of the House of Delegates shall include the majority leader of the House of Delegates, the minority leader of the House of Delegates, the chairman of the house committee on the judiciary and the chairman of the house committee on finance. The President of the Senate and the Speaker of the House of Delegates shall be members of the committee and cochairmen thereof. Not more than five members of the committee from each house shall be members of the same political party: Provided, That in the event the membership of a political party is less than fifteen percent in the House of Delegates or Senate, then the membership of that political party from the legislative house with less than fifteen percent membership may be one from that house. The members shall serve until their successors shall have been appointed as heretofore provided.

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§4-3-2. Expenses of committee; compensation of members.

The expenses of the committee shall be paid from the contingent fund of the Senate and contingent fund of the House of Delegates in equal amounts. The members of the committee shall receive no remuneration for their services, other than actual expenses incurred in the discharge of their duties hereunder as approved by the committee.

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§4-3-3. Powers and duties generally; report to Legislature; office.

It shall be the duty of the committee to consider matters referred to it by legislative resolution, and to study and survey matters of government, finance, and claims against the state and to make a report of its studies, findings and such recommendations as it may deem proper and as well all expenditures of said committee to regular annual sessions of the Legislature. The committee is hereby vested with power and authority to employ and supervise the Legislative Auditor, as provided in article two of this chapter; and to employ other technical and clerical personnel as may from time to time be necessary; and to establish a legislative reference library. The committee shall be vested with and authorized to exercise all powers granted such committee by legislative resolution, and the statutes and Constitution of the State of West Virginia. The committee may function and exercise any power granted it either during the interim periods between sessions of the Legislature or while the Legislature is in session. The office of said committee shall be maintained at the state Capitol.

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§4-3-3a. Interim powers and duties.

The Joint Committee on Government and Finance shall coordinate meetings between regular sessions of the Legislature of all legislative committees and legislative commissions established by and operating under general law and shall authorize interim meetings of said committees and commissions.

The Joint Committee on Government and Finance shall study and survey matters of government, finance and claims against the state as authorized by section three, article three, chapter four. In addition, the joint committee may make studies it was directed to make by concurrent resolutions heretofore adopted by the Legislature and continued for additional study by the joint committee by concurrent resolutions adopted by the Legislature. The joint committee may make these studies by creation of subcommittees.

The joint committee may commission studies to be made jointly by appropriate standing committees of each house of the Legislature between regular sessions of the Legislature.

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§4-3-3b. Duty of the Joint Committee on Government and Finance with respect to the statewide reappraisal to be completed on the March 31, 1985.

[Repealed.]

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§4-3-3c. Reorganization of joint legislative agencies.

(a) The Joint Committee on Government and Finance has the authority over and direction of joint legislative agencies, personnel, and services, including, but not limited to, the following:

(1) The Commission on Special Investigations provided for in §4-5-1 *et seq*. of this code;

(2) The West Virginia Legislative Claims Commission provided for in §14-2-1 *et seq*. and crime victims compensation provided for in §14-2A-1 *et seq*. of this code;

(3) The Legislative Auditor provided for in §4-2-1 *et seq*. of this code;

(4) The Legislative Rule-Making Review Committee provided for in §29A-3-1 *et seq*. of this code;

(5) The Legislative Reference Library provided for in §4-3-3 of this code;

(6) The Legislative Automated Systems Division;

(7) Legislative Services;

(8) Public information; and

(9) Joint services provided by one or more of the joint agencies set forth in this subsection. The following joint services are included:

(A) Bill drafting;

(B) Budget analysis;

(C) Duplicating;

(D) Financial, payroll, personnel, and purchasing for joint agencies and personnel;

(E) Fiscal analysis;

(F) Post audits, full performance evaluations, and preliminary performance reviews;

(G) Research; and

(H) Joint services to other joint legislative committees created and authorized by this code, to joint standing committees of the Senate and House of Delegates, to standing committees of the Senate and House of Delegates and to legislative interim committees.

(b) Notwithstanding any other provision of this chapter to the contrary, the Joint Committee on Government and Finance has the authority to reorganize and restructure the joint

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legislative agencies, personnel, and services as provided in subsection (a) of this section for the purposes of improving their efficiency and the service they provide to the Legislature and to improve the management thereof by the joint committee. To accomplish these purposes, the joint committee may employ and terminate personnel; create divisions as it determines necessary; and transfer and assign the joint agencies, personnel, and services to the divisions. The divisions, joint agencies, personnel, and services shall operate under the direction and policies of the joint committee: *Provided*, That nothing in this section shall be construed to permit the joint committee to alter or redefine the powers, duties, and responsibilities vested in the Commission on Special Investigations pursuant to §4-5-1 *et seq*. of this code.

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§4-3-4. Access to records of state agency or department; public hearings; meetings; administering oaths to persons testifying; compelling access to records and attendance of witnesses; production of evidence.

For the purpose of obtaining information in conjunction with the formulation of new laws or the revision of existing laws or in conjunction with any investigation or survey, the committee, or an employee duly authorized by the committee, shall have access to any and all records of every agency or department of the state.

In addition to its regular and special meetings, the committee, or any employee duly authorized by the committee, is empowered to hold public hearings in furtherance of the purposes authorized by this article, at such times and places within the state as may be desirable, and either cochairman or any member of the committee shall have the power to administer oaths to persons testifying at such hearings or meetings.

By subpoena, issued over the signature of either cochairman of the committee and served in the manner provided by law, the committee may summon and compel the attendance of witnesses and their examination under oath and the production of all books, papers, documents and records necessary or convenient to be examined and used by the committee in the performance of its duties. If any witness subpoenaed to appear at any hearing or meeting shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, papers, documents or records within his or her control when the same are demanded, the committee in its discretion may enforce obedience to its subpoena by attachment, fine or imprisonment, as provided in section five, article one of this chapter; or it may report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and such court shall compel obedience to the subpoena as though such subpoena had been issued by such court in the first instance.

Witnesses subpoenaed to attend such hearings or meetings, except officers or employees of the state, shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

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§4-3-5. Computer subscriber system.

(a) The Joint Committee on Government and Finance is authorized to provide information from portions of the Legislature's computer data to persons through the Internet, or through other means approved by the committee, for noncommercial use, with or without charge. The committee may charge and collect fees for providing or licensing portions of the data maintained in the Legislature's computer databases to persons requesting the data.

(b) The Joint Committee on Government and Finance shall, prior to January 12, 2000, consider how best to provide, through the Internet or other means, free public-access to appropriate information maintained in the Legislature's computer databases. The committee shall consider providing free public access through the Internet, or other appropriate means, to bill status information, the text of pending bills, the daily journals of the House of Delegates and the Senate, the West Virginia code, and any other information determined appropriate by the committee, all as maintained by the Legislature in its computer databases. In determining what information to which to provide free access, the committee shall consider how the access may affect the integrity, security and functionality of the Legislature's computer system and its primary use of supporting its legislative functions.

(c) No part of the information contained in the Legislature's computer system databases in its magnetic or electronic form is a public record as that term is defined in section two, article one, chapter twenty-nine-b of this code. Notwithstanding any provisions of section three, article one, chapter twenty-nine-b of this code to the contrary, the Legislature may not be required or compelled to allow access to all or a portion of its databases for inspection and copying and may not be required to make available copies of all or a portion of its databases on magnetic or electronic media.

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§4-3-6. Authority to screen employees of the Legislature; background checks.

The Joint Committee on Government and Finance shall create and implement a background check program to facilitate the processing and analysis of the criminal history and background of applicants for employment by the Legislature. In the course of determining an applicant's eligibility for employment with the Legislature, the legislative manager shall request each applicant to submit a full set of fingerprints for the purpose of conducting a criminal history record check. Records shall be checked through the Criminal Identification Bureau of the West Virginia State Police and the United States Federal Bureau of Investigation for a national criminal history record check and the results shall be made available to the Director of the Division of Protective Services. If the results of the criminal history check reveal an offense or offenses, the Director of the Division of Protective Services shall advise the President of the Senate, the Speaker of the House of Delegates or the joint committee depending on the appropriate hiring authority for the position sought by the applicant.

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