WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for 2037

(By Del. Hanley & Musgrave)

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Passed April 7, 1989

In Effect Ninety Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2037
(By Delegates Farley and Murensky)

[Passed April 7, 1989; in effect ninety days from passage.]

AN ACT to repeal sections ten and eleven, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article one and section three, article two of said chapter, all relating to the submission of a tentative budget; allowing the second quarterly meeting between the joint committee on government and finance and the council of finance and administration to be held in any month during the second quarter of the fiscal year and changing the time for submission of requests for appropriations from August fifteenth to September first.

Be it enacted by the Legislature of West Virginia:

That sections ten and eleven, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section three, article one of said chapter be amended and reenacted and that section three, article two of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. DEPARTMENT OF FINANCE AND ADMINISTRATION.

The council of finance and administration is hereby created and shall be composed of ten members, four of whom shall serve ex officio and six of whom shall be appointed as herein provided. The ex officio members shall be the commissioner of the department of finance and administration, the attorney general or his designee, the state treasurer or his designee and the state auditor or his designee; such designees are authorized to vote. From the membership of the Legislature, the president of the Senate shall appoint three senators as members of the council, not more than two of whom shall be members of the same political party, and the speaker of the House shall appoint three delegates as members of the council, not more than two of whom shall be members of the same political party. Members of the council appointed by the president of the Senate and the speaker of the House shall serve at the will and pleasure of the officer making their appointment. The commissioner of finance and administration shall serve as chairman of the council. Meetings of the council shall be upon call of the chairman or a majority of the members thereof. It shall be the duty of the chairman to call at least four meetings in each fiscal year, one in each quarter, or more often as necessary, and all meetings shall be open to the public: Provided, That the second quarterly meeting in each fiscal year shall be a joint meeting with the joint committee on government and finance of the Legislature called jointly by the president of the Senate, speaker of the House and commissioner of finance and administration and shall be held in November or some other month during the second quarter as mutually agreed upon.

All meetings of the council shall be held at the capitol building in a suitable committee room which shall be made available by the Legislature for such purposes.

The council shall serve the department of finance and administration in an advisory capacity for purposes of reviewing the performance of the administrative and fiscal procedures of the state, including the oversight of all federal funds, and shall have the following duties:

(1) To advise with the commissioner in respect to
matters of budgetary intent and efficiency, including
budget bill and budget document detail and format;

(2) To advise with the commissioner concerning such
studies of government and administration concerning
fiscal policy as it may consider appropriate;

(3) To advise with the commissioner in the preparation
of studies designed to provide long-term capital plan-
ing and finance for state institutions and agencies; and

(4) To advise with the commissioner in respect to the
application for, and receipt and expenditure of, antici-
pat ed or unanticipated federal funds.

The appointed, non-ex officio members of the council
shall be entitled to receive such compensation and
reimbursement for expenses in connection with performance of their duties, during interim periods, if not
otherwise receiving the same for such identical periods,
as is authorized by the applicable sections of article two-
a, chapter four of the code in respect to performance of
duties either within the state or, if deemed necessary,
out of state. Such compensation and expenses shall be
incurred and paid only after approval by the joint
commitee on government and finance.

§5A-2-3. Requests for appropriations; copies to legislative auditor.

The spending officer of each spending unit, other than
the Legislature and the judicial branch of state govern-
ment, shall on or before the first day of September of
each year, submit to the commissioner a request for
appropriations for the fiscal year next ensuing. On or
before the same date, the spending officer shall also
transmit two copies of such request to the legislative
auditor for the use of the finance committees of the
Legislature.

If the spending officer of any spending unit fails to
transmit to the legislative auditor two copies of the
request for appropriations within the time specified in
this section, the legislative auditor shall notify the
commissioner, auditor and treasurer of such failure, and
thereafter no funds appropriated to such spending unit
shall be encumbered or expended until the spending officer thereof has transmitted such copies to the legislative auditor.

If a spending officer submits to the commissioner an amendment to the request for appropriations, two copies of such amendment shall forthwith be transmitted to the legislative auditor.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 25th
day of April, 1989.

[Signature]
Governor