WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

HOUSE BILL No. 2860

(By Mr. Del. Lattes)

Passed April 8, 1989

In Effect Passage
ENROLLED

H. B. 2860

(By Delegate Sattes)

[Passed April 8, 1989; in effect from passage.]

AN ACT to amend and reenact section one, article three, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article five of said chapter; to amend and reenact section four, article nine of said chapter; to amend and reenact section seven, article ten of said chapter; to amend and reenact section three, article one, chapter five-a of said code; to amend and reenact section four, article twenty-nine-c, chapter sixteen of said code; to amend and reenact section ten, article three, chapter twenty-nine-a of said code; to amend chapter twenty; to amend and reenact section eleven, article three-a of said chapter twenty-nine-a; to amend and reenact section three, article five-c, chapter forty-nine of said code, all relating to revising membership of several statutory legislative committees and method by which membership is to be determined; membership of the commission on special investigations; proration of membership of the legislative commission on pensions and retirement; membership of the joint committee on government operations; membership of the council of finance and administration; composition of the legislative task force on uncompensated health care and medicaid expenditure; meeting dates, approval of joint committee on government and finance; reports to joint committee on government and finance and Legislature; compensation of members; membership of the legisla-
Enr. H. B. 2860] 2
tive rule-making review committee; membership of the legislative oversight commission on education accountability; termination; composition of the legislative commission on juvenile law; terms of members.

Be it enacted by the Legislature of West Virginia:

That section one, article three; section one, article five; section four, article nine; and section seven, article ten, all of chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section three, article one, chapter five-a of said code be amended and reenacted; that section four, article twenty-nine-c, chapter sixteen of said code be amended and reenacted; that section ten, article three, chapter twenty-nine-a of said code be amended and reenacted; that section eleven, article three-a of said chapter twenty-nine-a be amended and reenacted; and that section three, article five-c, chapter forty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 3. JOINT COMMITTEE ON GOVERNMENT AND FINANCE.

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

1 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.

ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.

§4-5-1. Commission continued as “commission on special
investigations”; composition; appointment and
terms of members.

The purchasing practices and procedures commission,
eretofore created, shall continue in existence but on
and after the effective date of this section shall be
named and designated the “commission on special
investigations.” The commission shall continue to be
composed of five members of the Senate, to be appointed
by the president thereof, no more than three of whom
shall be from the same political party; and five members
of the House of Delegates, to be appointed by the
speaker thereof, no more than three of whom shall be
appointed from 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 member-
ship may be one from that house. The commission shall
be headed by two cochairmen, one to be selected by and
from the members appointed from the Senate, and one
to be selected by and from the members appointed from
the House of Delegates. All members of the commission
shall serve until their successors shall have been
appointed as heretofore provided.

ARTICLE 9. LEGISLATIVE COMMISSION ON PENSIONS AND
RETIREMENT.
§4-9-4. Appointment of members; terms.

1 The commission shall consist of three members of the Senate to be appointed by the president of the Senate and three members of the House of Delegates to be appointed by the Speaker of the House, and the governor shall appoint three members, one from labor, one from the business community and one from the general public. No more than two of the three members appointed by the president of the Senate and the speaker of the House, respectively, may be members of the same political party. The first appointed members of the commission shall serve for a term expiring on the thirtieth day of June in the year of the next succeeding regular session of the Legislature. At the commencement of such next succeeding regular session and at the commencement of regular sessions every two years thereafter, members of the commission shall be appointed for two year terms beginning the first day of July in the year of each such regular session. Vacancies on the commission shall be filled for unexpired terms in the same manner as appointments to the commission.

ARTICLE 10. THE WEST VIRGINIA SUNSET LAW.

§4-10-7. Joint committee on government operations created; membership; compensation and expenses; meetings.

1 There is hereby created a statutory body to be known as the joint committee on government operations. Said committee shall be composed of five members of the Senate, to be appointed by the president thereof, no more than three of whom shall be appointed from the same political party; five members of the House of Delegates, to be appointed by the speaker thereof, no more than three of whom shall be appointed from 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, that the membership of that political party from the legislative house with less than fifteen percent membership may be one from that house; and five citizens of this state who are not legislators, public officials or public employees,
to be appointed by the governor to serve at his will and
pleasure, not more than three of whom shall be
appointed from the same political party, and at least one
of whom shall reside in each congressional district of
this state. All citizen members shall sign a conflict of
interest statement. The committee shall be headed by
two cochairmen, one to be selected by the president of
the Senate from the members appointed from the
Senate, and one to be selected by the speaker of the
House of Delegates from the members appointed from
the House of Delegates. All members of the committee
shall serve until their successors shall have been
appointed as heretofore provided. Members of the
committee shall receive such compensation and reim-
bursement for expenses in connection with performance
of interim duties between regular sessions of the
Legislature as may be authorized by the citizens
legislative compensation commission established by
section thirty-three, article six of the constitution of
West Virginia. Each citizen member of the committee
shall receive thirty-five dollars per diem for each day
or substantial portion thereof that he is engaged in the
work of the committee, in addition to reimbursement for
his necessary expenses incurred in the performance of
his duties under this article, such reimbursement to be
subject to the same limitations as govern the expenses
of the legislative members of the committee.
Compensation and expenses shall be paid from an
appropriation to be made expressly for the committee,
but if no such appropriation be made or the total amount
appropriated has been expended, such expenses shall be
paid from the appropriation under “Account No. 103 for
Joint Expenses,” but no expense of any kind whatever
payable under said Account No. 103 for joint expenses
shall be incurred unless first approved by the joint
committee on government and finance. The committee
shall meet upon call of the cochairmen or either of them
and may meet at any time, both during sessions of the
Legislature and in the interim.

CHAPTER 5A. DEPARTMENT OF FINANCE
AND ADMINISTRATION.
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 being authorized voting ones. 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 who 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 no less than four meetings in each fiscal year, one in each quarter, or more often as necessary, and all meetings shall be open to the public. 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 purpose. Provided further, That the second quarterly meeting in each fiscal year shall be held in November and 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.

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 planning 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, anticipated 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 committee on government and finance.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29C. INDIGENT CARE.

§16-29C-4. Legislative study; appointment of members; expenses; reports; termination.

Not later than the first day of June, one thousand nine hundred eighty-five, the president of the Senate and speaker of the House of Delegates of the West Virginia Legislature shall appoint a legislative task force on uncompensated health care and medicaid expenditures which shall meet, study and make recommendations as herein provided.

The task force shall be composed of three members
of the Senate appointed by the president from the membership of the Senate standing committee on health and human resources, three members of the House of Delegates appointed by the speaker from the membership of the House of Delegates standing committee on health and human resources, and a number of citizens appointed jointly by the president and speaker which, in their discretion, adequately provides for the appropriate representation of the interests of the providers of health care services, the providers of health care insurance, state departments involved in the administration of health care and health care related programs and the citizens of this state. Of the members of the Senate appointed by the president, not more than two shall be from the same political party. Of the members of the House of Delegates appointed by the speaker, not more than two shall be from the same political party.

Members originally appointed to the task force shall serve for terms beginning on the date of appointment and ending on the thirtieth day of June, one thousand nine hundred ninety, unless sooner replaced by the president or the speaker as applicable, or, in the discretion of the president and the speaker, unless the work of the task force is completed or the need for the task force no longer exists prior to that date. The task force shall cease to exist on the thirtieth day of June, one thousand nine hundred ninety.

The task force shall meet on such dates as may be approved by the joint committee on government and finance for the regular meetings of its subcommittees unless approval is first obtained from the joint committee on government and finance for additional meetings. The task force shall conduct studies on the amount of funds expended by hospitals and other health care providers of this state for services to persons who are unable to pay for those services and for which they receive no other form of reimbursement, the extent to which persons in this state forego needed medical services because of insufficient income and assets to pay for those services, the extent to which the state is maximizing available federal programs and moneys in
providing health care services to the citizens of this state, the operation of the programs and funds created by this article and the roles of the public, private and private nonprofit sectors in providing health care services to the citizens of this state. The task force shall also study the state medicaid program in order to determine if the state medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate private insurance resources for medicaid beneficiaries and shall study the feasibility and financial impact upon the state of assuring increased access to medicaid beneficiaries to primary health care in the non-hospital setting by requiring enrollment in a primary care clinic program, if available, and of the establishment of different and lesser schedules of payment for primary health services delivered by a hospital emergency room as compared to the schedule of payments for emergency room services of a true medical emergency nature. The task force shall make such recommendations as it deems appropriate to address the needs identified in the studies.

The task force shall file an interim report with the joint committee on government and finance and the Legislature on the date of the last meeting of the joint committee on government and finance prior to commencement of the regular session of the Legislature in each year before the final report of the task force is filed with the joint committee on government and finance and the Legislature on or before the thirtieth day of June, one thousand nine hundred ninety.

The members of the task force shall be entitled to compensation at the rate authorized for members of the Legislature participating in legislative interim meetings and to reimbursement for reasonable and necessary expenses actually incurred in attending meetings of the task force, except that any employee of the state appointed to the task force is not entitled to such compensation. Funds necessary for the work of the task force shall be paid from joint appropriations to the Senate and House of Delegates but no such funds shall be spent or obligations incurred in the conduct of such
work without prior approval of the joint committee on

government and finance.

CHAPTER 29A. STATE ADMINISTRATIVE
PROCEDURES.

ARTICLE 3. RULE MAKING.

§29A-3-10. Creation of a legislative rule-making review
committee.

(a) There is hereby created a joint committee of the
Legislature, known as the legislative rule-making
review committee, to review all legislative rules of the
several agencies and such other rules as the committee
deems appropriate. The committee shall be composed of
six members of the Senate, appointed by the president
of the Senate, and six members of the House of
Delegates, appointed by the speaker of the House of
Delegates. In addition, the president of the Senate and
the speaker of the House of Delegates shall be ex officio
nonvoting members of the committee and shall designate
the cochairmen. Not more than four of the voting
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. Members of the committee shall
receive such compensation and expenses as provided in
article two-a, chapter four of this code. Such expenses
and all other expenses, including those incurred in the
employment of legal, technical, investigative, clerical,
stenographic, advisory and other personnel shall be paid
from an appropriation to be made expressly for the
legislative rule-making review committee, but if no such
appropriation be made, such expenses shall be paid
from the appropriation under “Account No. 103 for Joint
Expenses,” but no expense of any kind whatever payable
under said Account No. 103 for joint expenses shall be
incurred unless first approved by the joint committee on
government and finance. The committee shall meet at any time, both during sessions of the Legislature and in the interim.

(b) The committee may adopt such rules of procedure as it considers necessary for the submission, presentation and consideration of rules.

ARTICLE 3A. EDUCATION RULE MAKING.

§29A-3A-11. Creation of a legislative oversight commission on education accountability; termination.

(a) There is hereby created a joint commission of the Legislature, known as the legislative oversight commission on education accountability, to review all legislative rules of the board and such other rules as the commission deems appropriate. The commission shall be composed of three members of the Senate, appointed by the president of the Senate, and three members of the House of Delegates, appointed by the speaker of the House of Delegates. No more than two of the three members appointed by the president of the Senate and the speaker of the House, respectively, may be members of the same political party. In addition, the president of the Senate and the speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the cochairs. At least one of the Senate members and one of the House members shall be members of the committee on education of the Senate and House, respectively, and at least one of the Senate members and at least one of the House members shall be a member of the committee on finance of the Senate and House, respectively. The members shall serve until their successors shall have been appointed as heretofore provided. Members of the commission shall receive such compensation and expenses as provided in article two-a, chapter four of this code. Such expenses and all other expenses, including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel shall be paid from an appropriation to be made expressly for the legislative oversight commission on education accountability, but if
no such appropriation be made, such expenses shall be
paid from the appropriation under “Account No. 103 for
Joint Expenses,” but no expense of any kind whatever
payable under said Account No. 103 for joint expenses
shall be incurred unless first approved by the joint
committee on government and finance. The commission
shall meet at any time, both during sessions of the
Legislature and in the interim.

(b) The commission may adopt such rules of proce-
dure as it considers necessary for the submission,
presentation and consideration of rules.

(c) The legislative oversight commission on education
accountability shall be terminated on the first day of
July, one thousand nine hundred ninety-two, unless
review of its functions shall be undertaken pursuant to
the provisions of sections nine, ten and eleven, article
ten, chapter four of this code. If such commission is
terminated pursuant to this subsection, any report
required to be submitted to them shall instead be
submitted to the joint committee on education of the
Legislature.

CHAPTER 49. CHILD WELFARE.

ARTICLE 5C. LEGISLATIVE COMMISSION ON JUVENILE LAW.

§49-5C-3. Appointment of members; terms.

1 The commission shall consist of:

2 (1) Three members of the Senate to be appointed by
the president of the Senate and three members of the
House of Delegates to be appointed by the speaker of the
House. No more than two of the three members
appointed by the president of the Senate and the speaker
of the House, respectively, shall be members of the same
political party.

9 (2) The commissioner of the department of human
services, the commissioner of corrections and the state
director of health who shall serve as ex officio members.

12 (3) Two persons trained and employed as school
guidance counselors, one to be appointed by the presi-
dent of the Senate and one to be appointed by the
speaker of the house.

The first appointed members of the commission shall serve for a term expiring on the thirtieth day of June in the year of the next succeeding regular session of the Legislature. At the commencement of such next succeeding regular session and at the commencement of regular sessions every two years thereafter, members of the commission shall be appointed for two-year terms beginning the first day of July in the year of each such regular session. Vacancies on the commission shall be filled for unexpired terms in the same manner as appointments to the commission.
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 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 27th day of April 1989.

[Signature]
Governor