

No. 2037

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

Com. Sub. for
HOUSE BILL No. 2037

(By ~~the~~ Del. Farley + Murensky)



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eleven, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section three, article one of said chapter be amended and reenacted and that section three, article two of said chapter be amended and reenacted, all to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

§5A-1-3. Council of finance and administration.

1 The council of finance and administration is hereby
2 created and shall be composed of ten members, four of
3 whom shall serve ex officio and six of whom shall be
4 appointed as herein provided. The ex officio members
5 shall be the commissioner of the department of finance
6 and administration, the attorney general or his designee,
7 the state treasurer or his designee and the state auditor
8 or his designee; such designees are authorized to vote.
9 From the membership of the Legislature, the president
10 of the Senate shall appoint three senators as members
11 of the council, not more than two of whom shall be
12 members of the same political party, and the speaker
13 of the House shall appoint three delegates as members
14 of the council, not more than two of whom shall be
15 members of the same political party. Members of the
16 council appointed by the president of the Senate and the
17 speaker of the House shall serve at the will and pleasure
18 of the officer making their appointment. The commis-
19 sioner of finance and administration shall serve as
20 chairman of the council. Meetings of the council shall
21 be upon call of the chairman or a majority of the
22 members thereof. It shall be the duty of the chairman
23 to call at least four meetings in each fiscal year, one in
24 each quarter, or more often as necessary, and all
25 meetings shall be open to the public: *Provided*, That the
26 second quarterly meeting in each fiscal year shall be a
27 joint meeting with the joint committee on government
28 and finance of the Legislature called jointly by the
29 president of the Senate, speaker of the House and
30 commissioner of finance and administration and shall be
31 held in November or some other month during the
32 second quarter as mutually agreed upon.

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

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

41 (1) To advise with the commissioner in respect to

42 matters of budgetary intent and efficiency, including
43 budget bill and budget document detail and format;

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

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

50 (4) To advise with the commissioner in respect to the
51 application for, and receipt and expenditure of, antic-
52 ipated or unanticipated federal funds.

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

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

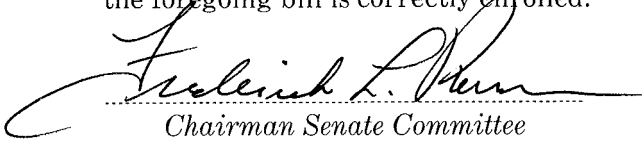
1 The spending officer of each spending unit, other than
2 the Legislature and the judicial branch of state govern-
3 ment, shall on or before the first day of September of
4 each year, submit to the commissioner a request for
5 appropriations for the fiscal year next ensuing. On or
6 before the same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

10 If the spending officer of any spending unit fails to
11 transmit to the legislative auditor two copies of the
12 request for appropriations within the time specified in
13 this section, the legislative auditor shall notify the
14 commissioner, auditor and treasurer of such failure, and
15 thereafter no funds appropriated to such spending unit

16 shall be encumbered or expended until the spending
17 officer thereof has transmitted such copies to the
18 legislative auditor.

19 If a spending officer submits to the commissioner an
20 amendment to the request for appropriations, two copies
21 of such amendment shall forthwith be transmitted to the
22 legislative auditor.

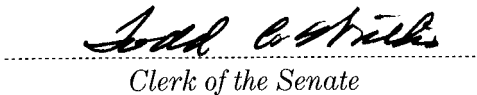
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

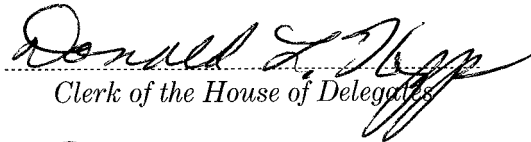

Chairman Senate Committee

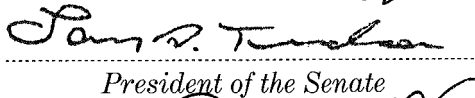

Chairman House Committee

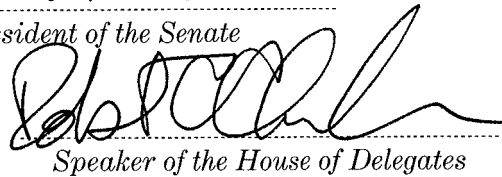
Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

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

Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:25