WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 480

(By Senator [Signature, President])

PASSED March 2, 1992
In Effect 90 days from Passage
ENROLLED

Senate Bill No. 480
(BY SENATOR BURDETTE, MR. PRESIDENT)

[Passed March 7, 1992, in effect ninety days from passage.]

AN ACT to amend and reenact section three, article twelve, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article five, chapter five-a of said code; to amend and reenact section five, article four-c, chapter sixteen of said code; to amend and reenact section five, article two, chapter seventeen of said code; to amend and reenact section three article eleven-c, chapter eighteen of said code; and to amend and reenact section six, article thirteen, chapter eighteen-b of said code, all relating to membership of certain boards, institutes, councils and commissions; making necessary changes required by congressional redistricting; and adding member to governor’s mansion advisory committee.

Be it enacted by the Legislature of West Virginia:

That section three, article twelve, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section one, article five, chapter five-a be amended and reenacted; that section five, article four-c, chapter sixteen of said code be amended and reenacted; that section five, article two, chapter seventeen of said code be amended and
reenacted; that section three, article eleven-c, chapter eighteen of said code be amended and reenacted; and that section six, article thirteen, chapter eighteen-b of said code be amended and reenacted to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 12. ESTABLISHMENT OF A WEST VIRGINIA LAW INSTITUTE.

§4-12-3. Governing council and members.

1 (a) The institute shall have such members and committees as the governing body of the West Virginia law institute may direct. The governing body shall also elect a president, secretary and any other officers as it determines necessary.

6 (b) The governing body of the institute shall be a council composed of ex officio members and elected members as follows:

9 (1) One justice of the West Virginia supreme court of appeals to be selected by the justices thereof;

11 (2) One circuit court judge, selected by the West Virginia judicial association;

13 (3) One federal judge residing in West Virginia, selected by the federal judges residing in West Virginia;

15 (4) The attorney general of the state of West Virginia;

16 (5) One legal counsel to the governor of the state of West Virginia;

18 (6) The chairperson of the judiciary committees of the Senate and the House of Delegates of the West Virginia Legislature or an attorney member of the respective committees appointed by the chairperson of the committee;

23 (7) One member each from the majority and minority parties of the Senate and the House of Delegates of the West Virginia Legislature to be selected by the president of the Senate and the speaker of the House of Delegates, respectively;

28 (8) The director of West Virginia legislative services;
(9) The chairperson of the West Virginia commission on uniform state laws;

(10) The president and first vice president of the West Virginia state bar;

(11) The chairperson of the young lawyers section of the West Virginia state bar;

(12) The dean of the West Virginia university college of law;

(13) Two attorneys appointed by the governor of the state of West Virginia for terms to run concurrently with the term of the governor;

(14) The director of the continuing legal education program sponsored by the West Virginia state bar and the West Virginia university college of law; and

(15) The editor-in-chief of the West Virginia law review.

(c) The elected membership shall consist of two faculty members who shall be elected from the members of the faculty of the West Virginia university college of law and four practicing attorneys from each of the congressional districts in the state who shall be selected by the board of governors of the West Virginia state bar.

(d) All ex officio members of the council shall hold their positions during their respective terms of office. The term of office of the elected members of the council shall be four years. The terms of office of the first elected practicing attorney members shall be appointed by the board of governors of the West Virginia state bar such that four shall be appointed for two years, four for three years and four for four years. Thereafter, appointments shall be for four years. Elected members of the council shall be eligible for reelection.

(e) Vacancies in the elected membership created by death, resignation or otherwise than by the expiration of the terms of office shall be filled by the council under such rules as it may adopt.
CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 5. GOVERNOR'S MANSION ADVISORY COMMITTEE.

§5A-5-1. Committee continued; appointment, terms, etc., of members; meetings and responsibilities; annual report.

There is hereby continued the governor's mansion advisory committee within the department of administration. The secretary of administration or his designated representative, the commissioner of culture and history or his designated representative, and the spouse of any governor during the term of office of that governor, or the designated representative of such governor, shall be ex officio members of the committee. In addition, the governor shall appoint four additional members of the committee, one to be a curator in the field of fine arts, one to be an interior decorator who is a member of the American institute of decorators, one to be a building contractor, and one member to represent the interest of the general public. The appointive members of the committee shall serve for a term of four years. The members of the committee shall serve without compensation but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of their duties; except that in the event the expenses are paid, or are to be paid, by a third party, the member shall not be reimbursed by the state. The governor shall designate from the committee a chairman to serve for a term of one year. The secretary of administration shall serve as secretary. The committee shall meet upon the call of the chairman annually and may meet at such other times as may be necessary for the performance of its functions.

The committee shall be charged with the following responsibilities:

(1) To make recommendations to the governor for the maintaining, preserving and replenishing of all articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art used or displayed in the state rooms of the governor's man-
sion, which state rooms shall consist of the front hall,
the reception room, the ballroom and its sitting room,
the state dining room, the front upstairs hall and the
music room;

(2) To make recommendations to the governor as to
the decor and arrangements best suited to enhance the
historic and artistic values of the mansion in keeping
with the architecture thereof and of such articles of
furniture, fixtures, decorative objects, linens, silver,
china, crystal and objects of art, which recommenda-
tions shall be considered by the governor in decorating
said mansion; and

(3) To invite interested persons to attend its meet-
ings or otherwise to assist in carrying out its functions.

All departments, boards, agencies, commissions,
officials and employees of the state are hereby autho-
rized to cooperate with and assist the committee in the
performance of its functions and duties whenever
possible. As soon after the close of each fiscal year as
possible, the committee shall make an annual report to
the governor and the Legislature with respect to its
activities and responsibilities.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-5. Emergency medical services advisory council;
duties, composition, appointment, meetings,
compensation and expenses.

1 The emergency medical service advisory council,
2 heretofore created and established by former section
3 seven of this article, shall be continued for the purpose
4 of developing, with the director, standards for emer-
gency medical service personnel and for the purpose
5 of providing advice to the office of emergency medical
6 services and the director thereof, as established by
7 section four of this article with respect to reviewing
8 and making recommendations for and providing
9 assistance to the establishment and maintenance of
10 adequate emergency medical services for all portions
11 of this state.
The council shall have the duty to advise the director in all matters pertaining to his duties and functions in relation to carrying out the purposes of this article.

The council shall be composed of thirteen members appointed by the governor by and with the advice and consent of the Senate. The mountain state emergency medical services association shall submit to the governor a list of six names of representatives from their association and a list of three names shall be submitted to the governor of representatives of their respective organizations by the West Virginia association of county officials, West Virginia state firemen's association, West Virginia hospital association, West Virginia state medical association, West Virginia chapter of the American college of emergency physicians, West Virginia emergency medical services administrators association and the state department of education. The governor shall appoint from the respective lists submitted two persons who represent the mountain state emergency medical services association, one of whom shall be a paramedic and one of whom shall be an emergency medical technician, and one person from the West Virginia association of county officials, West Virginia state firemen's association, West Virginia hospital association, West Virginia state medical association, West Virginia chapter of the American college of emergency physicians, West Virginia emergency medical services administrators association and the state department of education. The governor shall in addition appoint one person to represent emergency medical service providers operating within the state, one person to represent small emergency medical service providers operating within this state and two persons to represent the general public. Not more than five of the members shall be appointed from any one congressional district. No member shall serve more than four consecutive terms.

The council shall choose its own chairman and meet at the call of the director at least twice a year.

The members of such council may be reimbursed
for any and all reasonable and necessary expenses actually incurred in the performance of their duties.

After having conducted a performance and fiscal audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the emergency medical services advisory council should be continued and reestablished. Accordingly, notwithstanding the provisions of section four of said article, the emergency medical services advisory council shall continue to exist until the first day of July, one thousand nine hundred ninety-five.

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2. STATE ROAD COMMISSION.

§17-2-5. When first members appointed; qualifications; removal for cause.

On or before the first day of July next after the effective date of this article, the governor shall appoint the members of the commission. Not more than four of the members shall be of the same political party. Two members shall be appointed from each of the congressional districts and one member shall be appointed from the state at large. Each member shall be a citizen and resident of the state. Each member appointed from a congressional district shall be a citizen and resident of such congressional district. Removal of a member from the state or from the particular congressional district from which he was appointed shall immediately vacate his office. In making appointments to the commission, the governor shall consider each appointee's age, ability, experience and general qualifications. Members of the commission shall be eligible for reappointment to fill an unexpired term or a new term of seven years.

Any members of the commission, who have been duly appointed and qualified and approved by the Senate and are in office when this article becomes effective, shall continue in office until their respective
terms expire or until their death, resignation or removal from office. In making his initial appoint-
ments to the commission pursuant to the provisions hereof, the governor shall ascertain the names, residence addresses and political party affiliation of any such members of the commission then in office and shall select his first appointees with reference thereto and due consideration thereof so as to comply with the residence and political party affiliation qualifications as herein prescribed.

As terms expire or positions on the commission otherwise become vacant, the governor shall appoint persons to fill all such vacancies on the commission as provided in this article.

No member of the commission may be removed from office by the governor except for official miscon-duct, incompetence, neglect of duty or gross immorality, and then only in the manner prescribed by law for the removal by the governor of state elective officers.

CHAPTER 18. EDUCATION.

ARTICLE 11C. LEASE AND AGREEMENT OF THE UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES RELATING TO WEST VIRGINIA UNIVERSITY HOSPITAL.

§18-11C-3. Board authorized to contract with corporation; description to be met by corporation.

The board is hereby authorized to enter into the agreement and any other contractual relationships authorized by this article with the corporation, but only if the corporation meets the following description:

(a) The directors of the corporation, all of whom shall be voting, shall consist of the president of the university, who shall serve ex officio as chairman of the directors, the president of the board or his designee, the vice chancellor for health affairs of the board, the vice president for health sciences of the university, the vice president for administration and finance of the university, the chief of the medical staff of the hospital, the dean of the school of medicine of the university, the dean of the school of nursing of the
university and the chief executive officer of the corporation, as ex officio members of the directors, a representative elected at large by the corporation employees and seven directors to be appointed by the governor, subject to confirmation by the Senate of the state Legislature, which seven appointed directors shall be selected in conformance with the provisions of section six-a, article five-b, chapter sixteen of this code: Provided, That said seven directors shall be appointed to six year terms, but no more than three such members shall be from the same congressional district: Provided, however, That of the seven directors so appointed by the governor for terms beginning the year one thousand nine hundred eighty-four, three such appointments shall be for a term of two years, two shall be for a term of four years and two shall be for a term of six years.

(b) The audited records of the corporation shall be reported publicly and to the joint committee on government and finance at least annually.

(c) Upon liquidation of the corporation, the assets of the corporation shall be transferred to the board for the benefit of the university.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 13. HIGHER EDUCATION-INDUSTRY PARTNERSHIPS.

§18B-13-6. High-tech 2000 board; grants; authority.

There is hereby created a high-tech 2000 board consisting of the governor or a designee, the president of West Virginia university or a designee, the president of Marshall university or a designee, the president of West Virginia institute of technology or a designee, the president of Shepherd college or a designee, the director of the governor’s office of economic and community development or a designee, and four persons from the private sector who are representative of different geographic areas of the state, and which such private sector members shall be appointed to staggered four-year terms by the governor with the advice and consent of the Senate.
The high-tech 2000 board shall have the authority to review and approve all applications for grants or funds from the special high-tech 2000 fund established pursuant to section five of this article and to establish rules for the administration of the fund.

Board members representing the private sector shall be reimbursed for all necessary expenses incurred in connection with the performance of their duties as members.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 27th day of , 1992.

Governor