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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



ENROLLED

SENATE BILL NO. 480

(By Senator Bundette, Mr. 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
2 committees as the governing body of the West Virginia
3 law institute may direct. The governing body shall also
4 elect a president, secretary and any other officers as it
5 determines necessary.

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

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

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

13 (3) One federal judge residing in West Virginia,
14 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
17 West Virginia;

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

23 (7) One member each from the majority and minor-
24 ity parties of the Senate and the House of Delegates of
25 the West Virginia Legislature to be selected by the
26 president of the Senate and the speaker of the House
27 of Delegates, respectively;

28 (8) The director of West Virginia legislative services;

29 (9) The chairperson of the West Virginia commission
30 on uniform state laws;

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

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

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

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

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

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

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

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

63 (e) Vacancies in the elected membership created by
64 death, resignation or otherwise than by the expiration
65 of the terms of office shall be filled by the council
66 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.**

1 There is hereby continued the governor's mansion
2 advisory committee within the department of admin-
3 istration. The secretary of administration or his
4 designated representative, the commissioner of culture
5 and history or his designated representative, and the
6 spouse of any governor during the term of office of
7 that governor, or the designated representative of such
8 governor, shall be ex officio members of the commit-
9 tee. In addition, the governor shall appoint four
10 additional members of the committee, one to be a
11 curator in the field of fine arts, one to be an interior
12 decorator who is a member of the American institute
13 of decorators, one to be a building contractor, and one
14 member to represent the interest of the general
15 public. The appointive members of the committee
16 shall serve for a term of four years. The members of
17 the committee shall serve without compensation but
18 shall be reimbursed for reasonable and necessary
19 expenses actually incurred in the performance of their
20 duties; except that in the event the expenses are paid,
21 or are to be paid, by a third party, the member shall
22 not be reimbursed by the state. The governor shall
23 designate from the committee a chairman to serve for
24 a term of one year. The secretary of administration
25 shall serve as secretary. The committee shall meet
26 upon the call of the chairman annually and may meet
27 at such other times as may be necessary for the
28 performance of its functions.

29 The committee shall be charged with the following
30 responsibilities:

31 (1) To make recommendations to the governor for
32 the maintaining, preserving and replenishing of all
33 articles of furniture, fixtures, decorative objects,
34 linens, silver, china, crystal and objects of art used or
35 displayed in the state rooms of the governor's man-

36 sion, which state rooms shall consist of the front hall,
37 the reception room, the ballroom and its sitting room,
38 the state dining room, the front upstairs hall and the
39 music room;

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

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

50 All departments, boards, agencies, commissions,
51 officials and employees of the state are hereby autho-
52 rized to cooperate with and assist the committee in the
53 performance of its functions and duties whenever
54 possible. As soon after the close of each fiscal year as
55 possible, the committee shall make an annual report to
56 the governor and the Legislature with respect to its
57 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-
5 gency medical service personnel and for the purpose
6 of providing advice to the office of emergency medical
7 services and the director thereof, as established by
8 section four of this article with respect to reviewing
9 and making recommendations for and providing
10 assistance to the establishment and maintenance of
11 adequate emergency medical services for all portions
12 of this state.

13 The council shall have the duty to advise the
14 director in all matters pertaining to his duties and
15 functions in relation to carrying out the purposes of
16 this article.

17 The council shall be composed of thirteen members
18 appointed by the governor by and with the advice and
19 consent of the Senate. The mountain state emergency
20 medical services association shall submit to the gover-
21 nor a list of six names of representatives from their
22 association and a list of three names shall be submitted
23 to the governor of representatives of their respective
24 organizations by the West Virginia association of
25 county officials, West Virginia state firemen's associa-
26 tion, West Virginia hospital association, West Virginia
27 state medical association, West Virginia chapter of the
28 American college of emergency physicians, West
29 Virginia emergency medical services administrators
30 association and the state department of education. The
31 governor shall appoint from the respective lists sub-
32 mitted two persons who represent the mountain state
33 emergency medical services association, one of whom
34 shall be a paramedic and one of whom shall be an
35 emergency medical technician, and one person from
36 the West Virginia association of county officials, West
37 Virginia state firemen's association, West Virginia
38 hospital association, West Virginia state medical
39 association, West Virginia chapter of the American
40 college of emergency physicians, West Virginia emer-
41 gency medical services administrators association and
42 the state department of education. The governor shall
43 in addition appoint one person to represent emergency
44 medical service providers operating within the state,
45 one person to represent small emergency medical
46 service providers operating within this state and two
47 persons to represent the general public. Not more than
48 five of the members shall be appointed from any one
49 congressional district. No member shall serve more
50 than four consecutive terms.

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

53 The members of such council may be reimbursed

54 for any and all reasonable and necessary expenses
55 actually incurred in the performance of their duties.

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

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2. STATE ROAD COMMISSION.

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

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

19 Any members of the commission, who have been
20 duly appointed and qualified and approved by the
21 Senate and are in office when this article becomes
22 effective, shall continue in office until their respective

23 terms expire or until their death, resignation or
24 removal from office. In making his initial appoint-
25 ments to the commission pursuant to the provisions
26 hereof, the governor shall ascertain the names, resi-
27 dence addresses and political party affiliation of any
28 such members of the commission then in office and
29 shall select his first appointees with reference thereto
30 and due consideration thereof so as to comply with the
31 residence and political party affiliation qualifications
32 as herein prescribed.

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

37 No member of the commission may be removed
38 from office by the governor except for official miscon-
39 duct, incompetence, neglect of duty or gross immoral-
40 ity, and then only in the manner prescribed by law for
41 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.

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

5 (a) The directors of the corporation, all of whom
6 shall be voting, shall consist of the president of the
7 university, who shall serve ex officio as chairman of
8 the directors, the president of the board or his desig-
9 nee, the vice chancellor for health affairs of the board,
10 the vice president for health sciences of the university,
11 the vice president for administration and finance of
12 the university, the chief of the medical staff of the
13 hospital, the dean of the school of medicine of the
14 university, the dean of the school of nursing of the

15 university and the chief executive officer of the
 16 corporation, as ex officio members of the directors, a
 17 representative elected at large by the corporation
 18 employees and seven directors to be appointed by the
 19 governor, subject to confirmation by the Senate of the
 20 state Legislature, which seven appointed directors
 21 shall be selected in conformance with the provisions of
 22 section six-a, article five-b, chapter sixteen of this
 23 code: *Provided*, That said seven directors shall be
 24 appointed to six year terms, but no more than three
 25 such members shall be from the same congressional
 26 district: *Provided, however*, That of the seven direc-
 27 tors so appointed by the governor for terms beginning
 28 the year one thousand nine hundred eighty-four, three
 29 such appointments shall be for a term of two years,
 30 two shall be for a term of four years and two shall be
 31 for a term of six years.

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

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

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 13. HIGHER EDUCATION-INDUSTRY PARTNERSHIPS.

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

1 There is hereby created a high-tech 2000 board
 2 consisting of the governor or a designee, the president
 3 of West Virginia university or a designee, the presi-
 4 dent of Marshall university or a designee, the presi-
 5 dent of West Virginia institute of technology or a
 6 designee, the president of Shepherd college or a
 7 designee, the director of the governor's office of
 8 economic and community development or a designee,
 9 and four persons from the private sector who are
 10 representative of different geographic areas of the
 11 state, and which such private sector members shall be
 12 appointed to staggered four-year terms by the gover-
 13 nor with the advice and consent of the Senate.

14 The high-tech 2000 board shall have the authority to
15 review and approve all applications for grants or funds
16 from the special high-tech 2000 fund established
17 pursuant to section five of this article and to establish
18 rules for the administration of the fund.

19 Board members representing the private sector shall
20 be reimbursed for all necessary expenses incurred in
21 connection with the performance of their duties as
22 members.

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

Tommy Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harrell E. Nelson
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Keith B. Burtlett
.....
President of the Senate

Bob Cole
.....
Speaker House of Delegates

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

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/92

Time 3:40 pm