ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 3181

(By Delegates Ashley, Michael, Mezzatesta, Williams and Stemple)

Passed March 9, 2002

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections one and two, article five-q, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section three, all relating to the James “Tiger” Morton catastrophic illness fund; the composition, meetings, powers and duties of the catastrophic illness commission; executive director and staff; promulgation of rules; investigation of fraud and abuse; and continuation of the commission.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article five-q, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further
ARTICLE SQ. THE JAMES "TIGER" MORTON CATASTROPHIC ILLNESS FUND.

§16-5Q-1. Creation of the James "Tiger" Morton catastrophic illness fund.

Moneys in the fund created in the state treasury, designated the "James ‘Tiger’ Morton Catastrophic Illness Fund" shall be distributed in accordance with the provisions of this article. The purpose of this fund is to provide a source of economic assistance to the citizens of this state facing catastrophic illness. In addition to any funds appropriated by the Legislature, the Tiger Morton Fund may receive donations of cash or property from other sources, including gifts, grants, or donations from any source whatsoever. After appropriation by the Legislature, the catastrophic illness commission may make expenditures from the fund as necessary to accomplish the purposes of this article.

§16-5Q-2. Catastrophic illness commission; composition; meetings.

(a) The catastrophic illness commission shall consist of six members appointed for terms of five years by the governor, by and with the advice and consent of the Senate, and the ombudsman from the department of health and human resources, who shall serve as a nonvoting ex officio member. One member shall be a medical doctor licensed to practice medicine in this state, one member shall be an attorney licensed to practice law in this state, two members shall be from the public at large who are active in community affairs, one member shall be a nurse licensed to practice in this state, and one member shall be a social worker licensed in this state. The terms of office of the first appointments to the catastrophic illness commission shall be as follows: The medical doctor and attorney shall be
appointed for an initial term of three years; the initial term of
the nurse appointee and the licensed social worker appointee
shall be four years; the initial term of the remaining members
of the commission appointed by the governor shall be five
years. No more than five of the members appointed by the
governor may be from the same political party. Members of the
catastrophic illness commission, other than the ex officio
member, may receive expenses only up to one hundred twenty-
five dollars per day, not to exceed fifteen thousand dollars in
the aggregate per year. The commission shall meet at least
quarterly and annually elect a chairperson. Meetings shall be
conducted in accordance with the provisions of article nine-a,
chapter six of this code. Special meetings may be called. Before
discharging any duties, members shall comply with the oath or
affirmation requirements of article one, chapter six of this code.
Members are subject to the ethical standards and financial
disclosure requirements of the West Virginia governmental
ethics act in chapter six-b of this code and serve at the will and
pleasure of the governor as provided in section four, article six,
chapter six of this code.

(b) The catastrophic illness commission shall make an
annual recommendation to the Legislature regarding appropri-
tions from the catastrophic illness fund. This recommendation
shall be made annually, in writing, to the Legislature no later
than the second Wednesday of January.

(c) The commission shall appoint an executive director
whose compensation shall be fixed by the commission within
its budgetary appropriation. The executive director shall be
classified exempt and may not be a member of the commission.
The executive director may attend all meetings of the commis-
sion, as well as its committees, but has no vote on decisions or
actions of the commission or its committees. The executive
director shall carry out the decisions and actions of the commis-
sion, administer all affairs of the commission in accordance
with its policies and discharge other duties as the commission shall from time to time determine. The commission may employ other officers, employees and clerical assistants as it considers necessary and may fix their compensation within the amounts made available by appropriation.

(d) The secretary of the department of health and human resources shall propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code to accomplish the purpose of the James “Tiger” Morton catastrophic illness fund including, but not limited to, establishing eligibility standards for the distribution of moneys from the fund. The secretary may propose emergency rules to establish the eligibility standards.

(e) The secretary shall assist the commission in the investigation of any suspected fraud related to an application for assistance through the catastrophic illness fund.

§16-Q-3. Continuation of catastrophic illness commission.

The catastrophic illness commission shall continue to exist until the first day of July, two thousand five, pursuant to the provisions of article ten, chapter four of this code, unless sooner terminated, continued or reestablished pursuant to the provisions of that article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 2nd day of April, 2002.

Governor