

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 3411**

By Delegates Hanshaw (Mr. Speaker), Gearheart,

Riley, and Rohrbach

[Originating in the Committee on Rules; Reported on

March 26, 2025]

1 A BILL to amend and reenact §4-5-1 of the Code of West Virginia, 1931, as amended; to repeal  
2 §4-7-1, §4-7-2, §4-7-3, §4-7-4, §4-7-5, §4-7-6, §4-7-7, §4-7-8, §4-7-9, §4-7-10 and §4-7-11  
3 of said code; to amend and reenact §4-10-3 of said code; to repeal §4-10-4 of said code; to  
4 amend and reenact §4-10-5, §4-10-6, §4-10-7, §4-10-9, §4-10-11 and §4-10-13 of said  
5 code; to repeal §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6, and §4-13-7 of said  
6 code; to amend and reenact §4-14-1 and §4-14-2 of said code; to repeal §4-14-3 of said  
7 code; to repeal §4-15-1 of said code; to amend and reenact §5-24-3 of said code; to  
8 amend and reenact §5B-2B-2 of said code; to repeal §5B-2B-4a of said code; to repeal  
9 §5B-2B-7 of said code; to amend and reenact §5B-3-2 of said code; to repeal §12-6D-4 of  
10 said code; to repeal §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-9C-5 and §15-9C-6 of  
11 said code; to repeal §16-29E-4 of said code; to amend and reenact §16-29E-5 of said  
12 code; to repeal §17-2B-1, §17-2B-2, §17-2B-3, §17-2B-4, §17-2B-5 and §17-2B-6 of said  
13 code; to repeal §18B-14-1 and §18B-14-9 of said code; to repeal §21-5E-1, §21-5E-2, §21-  
14 5E-3, §21-5E-4, §21-5E-5 and §21-5E-6 of said code; to repeal §22-26-5 of said code; to  
15 repeal §29-1B-1, §29-1B-2, §29-1B-3, §29-1B-4, §29-1B-5, §29-1B-6 and §29-1B-7 of  
16 said code; to amend and reenact §29A-3A-11 of said code; and to repeal §31-20-26 of said  
17 code, relating to commissions; removing the legislative members; and eliminating expired  
18 commissions.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.**

### **§4-5-1. Commission on Special Investigations continued; composition; appointment and terms of members.**

1 The Commission on Special Investigations is continued. ~~The commission shall continue to~~  
2 ~~be composed of the President of the Senate and four members of the Senate, to be appointed by~~  
3 ~~the President of the Senate, no more than two of whom shall be from the same political party; and~~  
4 ~~the Speaker of the House of Delegates and four members of the House of Delegates, to be~~

5 appointed by the Speaker of the House of Delegates, no more than two of whom shall be  
6 appointed from the same political party: Provided, That in the event the membership of a political  
7 party is less than 15 percent in the House of Delegates or Senate, then the membership of that  
8 political party from the legislative house with less than 15 percent membership may be one from  
9 that house. The commission shall be chaired by the President of the Senate and the Speaker of  
10 the House of Delegates. All members appointed to the commission by the commission chairs  
11 serve until their successors are appointed as provided in this section.

## **ARTICLE 7. LEGISLATIVE BUILDING COMMISSION.**

### **§4-7-1. Definitions.**

1 [Repealed.]

### **§4-7-2. Legislative building commission created; its composition; appointment of members; vacancies; election of officers; compensation and expenses of members.**

1 [Repealed.]

### **§4-7-3. Powers and duties of commission generally.**

1 [Repealed.]

### **§4-7-4. Commission granted power of eminent domain.**

1 [Repealed.]

### **§4-7-5. Funds and expenditures of commission.**

1 [Repealed.]

### **§4-7-6. Deposit and disbursement of funds of commission; security for deposits; audits.**

1 [Repealed.]

### **§4-7-7. Contracts for construction of state legislative building, etc.; to be secured by bond; competitive bids required for contracts exceeding \$2,000; procedure.**

1 [Repealed.]

### **§4-7-8. Management and control of state legislative building.**

1 [Repealed.]

**§4-7-9. Article not authority to create state debt.**

[Repealed.]

**§4-7-10. This article, article six, chapter five, and the state Constitution are only restrictions on construction, etc., of building.**

[Repealed.]

**§4-7-11. Severability.**

[Repealed.]

**ARTICLE 10. PERFORMANCE REVIEW ACT.**

**§4-10-3. Definitions.**

As used in this article, unless the context clearly indicates a different meaning:

(a) "Agency" or "state agency" means a state governmental entity, including any bureau, department, division, commission, agency, committee, office, board, authority, subdivision, program, council, advisory body, cabinet, panel, system, task force, fund, compact, institution, survey, position, coalition or other entity in the state of West Virginia.

(b) "Agency review" means a review performed on an agency at the direction of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee pursuant to the provisions of this article.

(c) "Committee" means the Joint Standing Committee on Government ~~Operations~~.  
Organization.

(d) "Compliance review" means a review for compliance with recommendations contained in a previous agency review or regulatory board review conducted pursuant to the provisions of this article and may include further inquiry of other issues as directed by the President, the Speaker, the committee, ~~the joint standing committee~~, or the Joint Committee on Government and Finance.

(e) "Department" means the departments created within the executive branch, headed by a secretary appointed by the Governor, as authorized by the Code of West Virginia.

(f) "Department presentation" means a presentation by a department pursuant to the provisions of this article made at the direction of the President of the Senate or the Speaker of the House of Delegates.

(g) "Division" means the Performance Evaluation and Research Division, the Post Audit Division, or any division of the Legislative Auditor's Office.

~~(h) "Joint standing committee" means the Joint Standing Committee on Government Organization.~~

(i) "Privatize" means a contract to procure the services of a private vendor to provide a service that is similar to, or in lieu of, a service provided by a state agency.

(j) "Regulatory Board" means a board that regulates professions and occupations, created under the provisions of chapter 30 of this code.

(k) "Regulatory Board Review" means a review performed on a regulatory board pursuant to the provisions of this article.

#### **§4-10-4. Joint Committee on Government Operations.**

[Repealed.]

#### **§4-10-5. Powers and duties of the committee. and joint standing committee.**

(a) To carry out the duties set forth in this article, the committee, ~~or the joint standing committee~~, any authorized employee of the committee, ~~the joint standing committee~~, the Legislative Auditor or any employee of the division working at the direction of the committee ~~or the joint standing committee~~, shall have access, including copying, to all records of every state agency in West Virginia.

(b) When furnishing information, agencies shall provide the information in the format in which it is requested, if the request is specific as to a preferred format.

(c) The committee ~~or the joint standing committee~~ may hold public hearings in furtherance of the purposes of this article, at such times and places within the state as desired. A member of the committee ~~or the joint standing committee~~ may administer oaths to persons testifying at such

11 hearings or meetings.

12 (d) The committee ~~or the joint standing committee~~ may issue a subpoena, with the  
13 signature of either cochair of the committee ~~or the joint standing committee~~ and served in the  
14 manner provided by law, to summon and compel the attendance of witnesses and their  
15 examination under oath and the production of all books, papers, documents and records  
16 necessary or convenient to be examined and used by the committee ~~or joint standing committee~~ in  
17 the performance of its duties.

18 (e) If any witness subpoenaed to appear at any hearing or meeting refuses or fails to  
19 appear or to answer questions put to him or her, or refuses or fails to produce books, papers,  
20 documents or records within his or her control when the same are demanded, the committee ~~or the~~  
21 ~~joint standing committee~~, in its discretion, may enforce obedience to its subpoena by attachment,  
22 fine or imprisonment, as provided in article one of this chapter, or may report the facts to the circuit  
23 court of Kanawha County or any other court of competent jurisdiction and the court shall compel  
24 obedience to the subpoena as though it had been issued by the court.

25 (f) Witnesses subpoenaed to attend hearings or meetings pursuant to the provisions of this  
26 article, except officers or employees of the state, shall be allowed the same mileage and per diem  
27 as is allowed witnesses before any petit jury.

28 (g) The committee ~~or the joint standing committee~~, subject to the approval of the Joint  
29 Committee on Government and Finance, may employ such persons as it considers necessary to  
30 carry out the duties and responsibilities under this article and may contract for outside expertise in  
31 conducting reviews.

32 (h) The committee ~~or the joint standing committee~~ may collect, and the agency or  
33 regulatory board shall promptly pay, the costs associated with conducting the reviews performed  
34 under this article, upon presentation of a statement for the costs incurred. All money received by  
35 the committee ~~or the joint standing committee~~ from this source shall be expended only for the  
36 purpose of covering the costs associated with such services, unless otherwise directed by the

37 Legislature.

**§4-10-6. Department presentation; timing and scope.**

1 (a) At the direction of the President of the Senate or the Speaker of the House of  
2 Delegates, and upon notification from the division, a department shall prepare and make a  
3 presentation to the ~~joint standing committee and the~~ committee. The purpose of the presentation is  
4 to inform the Legislature as to the programs, activities, and financial situation of the department  
5 and to update and amend any information previously presented to the ~~joint standing committee or~~  
6 committee pursuant to this section. The presentation shall include:

7 (1) A departmental chart designating each agency under the purview of the department;

8 (2) An analysis of the department's internal performance measures and self-assessment  
9 systems; and

10 (3) For each agency under the purview of the department, the following:

11 (A) The mission, goals, and functions of the agency;

12 (B) The statutory or other legal authority under which the agency operates;

13 (C) The number of employees of the agency for the immediate past 10 years;

14 (D) The budget for the agency for the immediate past 10 years;

15 (E) Any potential or actual loss of revenue due to operations, changes in law, or any other  
16 reason;

17 (F) The extent to which the agency has operated in the public interest;

18 (G) The extent to which the agency has complied with state personnel practices, including  
19 affirmative action requirements;

20 (H) The extent to which the agency has encouraged public participation in the making of its  
21 rules and decisions and has encouraged interested persons to report to it on the impact of its rules  
22 and decisions on the effectiveness, economy, and availability of services that it has provided;

23 (I) The efficiency with which public inquiries or complaints regarding the activities of the  
24 agency have been processed and resolved;

(J) The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency to better serve the interests of the public and to comply with the factors enumerated in this subsection; and

(K) A recommendation as to whether the agency should be continued, consolidated, or terminated.

**§4-10-7. Agency review.**

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(b) The agency review may include, but is not limited to:

(1) An identification and description of the agency under review;

(2) The number of employees of the agency for the immediate past 10 years;

(3) The budget for the agency for the immediate past 10 years;

(4) Whether the agency is effectively and efficiently carrying out its statutory duties or exercising its legal authority;

(5) Whether the activities of the agency duplicate or overlap with those of other agencies and, if so, how these activities could be consolidated;

(6) A cost-benefit analysis, as described in subsection (d) of this section, on state services that are privatized or contemplated to be privatized;

(7) An assessment of the utilization of information technology systems within the agency, including interagency and intra-agency communications;

(8) An analysis of any issues raised by any presentation by the department under whose purview the agency falls made pursuant to the provisions of this article;

(9) An analysis of any other issues as the committee, ~~the joint standing committee~~, the



21 President of the Senate, or the Speaker of the House of Delegates may direct; and

22 (10) A recommendation as to whether the agency under review should be continued,  
23 consolidated, or terminated.

24 (c) An agency may be subject to a compliance review pursuant to the provisions of this  
25 article.

26 (d) A cost-benefit analysis authorized by this section may include:

27 (1) The tangible benefits of privatizing the service;

28 (2) Any legal impediments that may limit or prevent privatization of the service;

29 (3) The availability of multiple qualified and competitive private vendors; and

30 (4) A cost comparison, including total fixed and variable, direct and indirect, costs of the  
31 current governmental operation and the private vendor contract.

#### **§4-10-9. Regulatory board review.**

1 (a) The division shall conduct regulatory board reviews on each regulatory board to  
2 ascertain if there is a need for the continuation, consolidation, or termination of the regulatory  
3 board as one of its duties.

4 (b) A regulatory board review shall be performed on each regulatory board at least once  
5 every 12 years. A regulatory board may be subject to a compliance review pursuant to the  
6 provisions of this article.

7 (c) When a new regulatory board is created, a date for a regulatory board review shall be  
8 included in the act that creates the board, within 12 years of the effective date of the act.

9 (d) The regulatory board review may include:

10 (1) Whether the board complies with the policies and provisions of chapter 30 of this code  
11 and other applicable laws and rules;

12 (2) Whether the board follows a disciplinary procedure which observes due process rights  
13 and protects the public interest;

14 (3) Whether the basis or facts that necessitated the initial licensing or regulation of a

profession or occupation have changed, or other conditions have arisen that would warrant increased or decreased regulation;

(4) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates;

(5) Whether statutory changes are necessary to improve board operations to enhance the public interest;

(6) An analysis of any other issues the committee, ~~the joint standing committee~~, the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(7) A recommendation as to whether the regulatory board under review should be continued, consolidated, or terminated.

#### **§4-10-11. Compliance review.**

(a) After an agency review or a regulatory board review, if the committee ~~or the joint standing committee~~ finds that an agency or a regulatory board needs further review, then the committee ~~or the joint standing committee~~ may request a compliance review.

(b) If the committee ~~or the joint standing committee~~ requests a compliance review for an agency or a regulatory board, then it must state, in writing, the specific reasons for the compliance review and its expected completion date.

#### **§4-10-13. Disposition of agency or regulatory board assets, equipment and records after termination.**

(a) On or before June 30 of the wind-up year, the terminated agency or regulatory board shall file a written statement with the Secretary of the Department of Administration and the division describing the disposition of its funds, assets, equipment and records.

(b) The division shall review the statement of the terminated agency or regulatory board and report the results of its review to the committee. ~~and the joint standing committee.~~

6 (c) Any unexpended funds of the terminated agency or regulatory board shall revert to the  
7 fund from which they were appropriated or, if that fund is abolished, to the General Revenue Fund.

8 (d) All remaining assets and equipment of a terminated agency or regulatory board shall be  
9 transferred to the secretary of the department of which it was a part or to the state agency for  
10 surplus property in the Department of Administration.

11 (e) The records of a terminated agency or regulatory board shall be deposited with the  
12 Department of Administration.

### **ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.**

#### **§4-13-1. Findings; West Virginia Sesquicentennial of the American Civil War Commission established; purpose.**

1 [Repealed.]

#### **§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.**

1 [Repealed.]

#### **§4-13-3. Expense reimbursement.**

1 [Repealed.]

#### **§4-13-4. Quorum; meetings.**

1 [Repealed.]

#### **§4-13-5. Advisory council.**

1 [Repealed.]

#### **§4-13-6. Powers; duties; limitation on duration of contracts.**

1 [Repealed.]

#### **§4-13-7. Termination of the commission.**

1 [Repealed.]

### **ARTICLE 14. LEGISLATIVE OVERSIGHT COMMISSION ON DEPARTMENT OF**

## TRANSPORTATION ACCOUNTABILITY.

### §4-14-1. Findings, purpose and intent.

(a) The Legislature hereby finds and declares that:

(1) Investment in infrastructure is crucial to the well-being of West Virginians and West Virginia businesses;

(2) The state must spend funds wisely on infrastructure in order to get the best return on investment and must make long-term plans for investment;

(3) The federal government is an unpredictable and unreliable partner in providing consistent funding for infrastructure investment;

(4) The Legislature directed a Division of Highways performance and efficiency audit in 2015; and

(5) In order to maintain proper oversight to ensure that sufficient transportation planning is made, funds are spent wisely and efficiently, and the Department of Transportation is functioning appropriately, it shall report to the Legislative Oversight Commission on Department of Transportation Accountability. ~~is hereby created.~~

(b) It is the intent of the Legislature that all actions taken pursuant to the provisions of this article by the Legislature and the Department of Transportation serve the following core set of principles:

(1) That all Department of Transportation infrastructure investments be coordinated to maximize efficiencies and minimize cost thereby addressing the needs of the citizens more effectively;

(2) That communication be facilitated among the various agencies within the Department of Transportation and between the department and the Legislature;

(3) That policy changes, not made by legislative rule, be discussed with the commission for purposes of coordinating those policies with stated goals;

(4) That programs or policies implemented in accordance with federal mandates be

communicated to the commission;

(5) That in developing and implementing programs with private or federal grant moneys, the various agencies communicate their efforts to the commission to ensure and facilitate future state funding; and

(6) That any Department of Transportation agencies exempted from rule-making review by federal or state statutes advise the commission of program changes which may affect infrastructure investment in West Virginia.

#### **§4-14-2. Definitions.**

As used in this article:

(1) "Agency" means each agency, authority, board, committee, commission or division of the Department of Transportation;

(2) "Commission" means the Legislative Oversight Commission on Transportation Accountability; ~~as created in section three of this article~~; and

(3) "Department" means the Department of Transportation.

#### **§4-14-3. Creation of a Legislative Oversight Commission on Department of Transportation Accountability.**

[Repealed.]

### **ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.**

#### **§4-15-1. Establishing a Joint Legislative Committee on Flooding.**

[Repealed.]

## **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

## **ARTICLE 24. WEST VIRGINIA FOREST MANAGEMENT REVIEW COMMISSION.**

### **§5-24-3. Commission continued; composition; appointment of members.**

1           The West Virginia Forest Management Review Commission ~~heretofore created~~ is hereby  
2 continued for the purposes set forth in this article. This commission shall be comprised of five  
3 ~~members from the West Virginia Senate, a cochairman and four members to be appointed by the~~  
4 ~~Senate president, and five members of the House of Delegates, a cochairman and four members~~  
5 ~~to be appointed by the speaker;~~ four members to be representatives from the commercial forest  
6 industry in the state, and three members of the public-at-large. The ~~seven nonlegislative~~ members  
7 shall be appointed by the Governor, with the advice and consent of the Senate. ~~Two members~~  
8 ~~shall be appointed to serve a term of two years; three members shall be appointed to serve a term~~  
9 ~~of four years; and two members shall be appointed to serve a term of six years.~~ The successor of  
10 each such appointed member shall be appointed for an overlapping term of six years, except that  
11 any person appointed to fill a vacancy occurring prior to the expiration of the term for which the  
12 predecessor was appointed shall be appointed only to the remainder of such term. Each board  
13 member shall serve until the appointment of his or her successor.

## **CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

### **ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.**

#### **§5B-2B-2. Definitions.**

1           As used in this article, the following terms have the following meanings, unless the context  
2 clearly indicates otherwise:

3           "Board" means the West Virginia Workforce Development Board.

4           "Commission" or "Legislative Oversight Commission" means the Legislative Oversight  
5 Commission on Workforce Investment for Economic Development. ~~created pursuant to section~~  
6 ~~seven of this article.~~

7           "Local area" means a local workforce investment area.

8 "Local board" means a local workforce development board.

9 "Team" means the workforce investment interagency collaborative team.

10 "WIOA" means the Workforce Innovation and Opportunity Act, 29 U. S. C. §3101, *et seq.*

**§5B-2B-4a. Report to Legislature.**

1 [Repealed.]

**§5B-2B-7. Legislative oversight commission on workforce investment for economic development.**

2 [Repealed.]

**ARTICLE 3. WEST VIRGINIA ECONOMIC DEVELOPMENT STRATEGY: A VISION SHARED.**

**§5B-3-2. ~~Creation of the~~ The Joint Commission on Economic Development.**

1 ~~(a) The joint commission on economic development is hereby established. The~~  
2 ~~commission shall be composed of not more than twenty-four members as follows:~~

3 ~~(1) The chairs of the Senate and House of Delegates finance committees;~~

4 ~~(2) The chairs of the Senate and House of Delegates judiciary committees;~~

5 ~~(3) The chairs of the Senate and House of Delegates education committees;~~

6 ~~(4) Not more than nine additional members of the Senate appointed by the President of the~~  
7 ~~Senate, with at least one member representing health; and~~

8 ~~(5) Not more than nine additional members of the House of Delegates appointed by the~~  
9 ~~Speaker of the House of Delegates, with at least one member representing health.~~

10 ~~(b) Any vacancies occurring in the membership of the commission shall be filled in the~~  
11 ~~same manner as the original appointment for the position being vacated. The vacancy shall not~~  
12 ~~affect the power of the remaining members to perform the duties of the commission.~~

13 ~~(c) The commission may explore how West Virginia can:~~

14 ~~(1) Invest in systems that build workforce skills and promote lifelong learning to ensure a~~

competitive workforce;

(2) Enhance the infrastructure, communications and transportation needed to support the knowledge-based industries and electronic commerce;

(3) Reorganize government to deliver services more efficiently, using technology, privatization and partnerships with the private sector;

(4) Align state tax systems to meet the demands of the twenty-first century economy;

(5) Develop more uniform regulatory and tax systems to reduce complexity, eliminate market distortions and better protect consumers;

(6) Support entrepreneurs by streamlining business regulations, providing timely decisions and assisting firms in their search for venture capital;

(7) Promote university policies that encourage research and development and build intellectual infrastructure;

(8) Address quality-of-life concerns to attract new businesses and workers; and

(9) Accomplish the goals set forth in this article and any other goal related to economic development or workforce investment that the commission considers important.

~~(d)~~(b) The commission may propose legislation necessary to accomplish its goals.

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

#### **§12-6D-4. Steering Committee created; powers and authority.**

[Repealed.]

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 9C. WEST VIRGINIA SENTENCING COMMISSION.**

#### **§15-9C-1. Legislative findings.**

[Repealed.]

#### **§15-9C-2. Creation of Sentencing Commission; purpose; composition.**



1 [Repealed.]

**§15-9C-3. Powers and duties of the commission.**

1 [Repealed.]

**§15-9C-4. Objectives of the commission.**

1 [Repealed.]

**§15-9C-5. Recommendations to Legislature.**

1 [Repealed.]

**§15-9C-6. Sunset.**

1 [Repealed.]

**CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.**

**ARTICLE 12. WEST VIRGINIA FUSION CENTER.**

**§15A-12-3. Joint Oversight Committee.**

1 ~~(a) The Speaker of the House of Delegates and President of the Senate shall establish a~~  
2 ~~select committee which shall have oversight of the information collected by the West Virginia~~  
3 ~~Fusion Center to ensure the proper collection, dissemination, storage, and destruction of~~  
4 ~~information or intelligence. The committee shall be composed of: (1) The Speaker of the House of~~  
5 ~~Delegates and four members of the House of Delegates, to be appointed by the Speaker of the~~  
6 ~~House of Delegates, no more than two of whom shall be appointed from the same political party;~~  
7 ~~and (2) the President of the Senate and four members of the Senate, to be appointed by the~~  
8 ~~President of the Senate, no more than two of whom shall be from the same political party; and~~  
9 ~~counsel and staff to the Speaker and the Senate President: *Provided*, That in the event the~~  
10 ~~membership of a political party is less than 15 percent in the House of Delegates or Senate, then~~  
11 ~~the membership of that political party from the legislative house with less than 15 percent~~  
12 ~~membership may be one from that house. The committee shall be chaired by the President of the~~  
13 ~~Senate and the Speaker of the House of Delegates. All members appointed to the select~~

~~committee by the select committee chairs serve until their successors are appointed as provided in~~  
~~this section.~~ The select committee members, counsel, and staff must have the appropriate security  
clearance in order to obtain information that is classified and shall be subject to the same rules,  
regulations, and laws as the employees of the West Virginia Fusion Center for safeguarding both  
classified and law-enforcement sensitive information or intelligence. These select committee  
members, counsel, and staff shall be advised of the restrictions and protocol for handling such  
information or intelligence and shall sign a statement of understanding as well as a confidentiality  
agreement.

(b) Members of the ~~select~~ committee may enter and inspect the West Virginia Fusion  
Center at any time staff is present with ~~select~~ committee counsel and staff, with or without notice to  
the West Virginia Fusion Center.

(c) Meetings of the ~~select~~ committee shall be confidential and the information and  
materials, in any medium, including hard copy and electronic, coming to the attention of or placed  
in the custody of the ~~Select~~ committee shall not be subject to the West Virginia Freedom of  
Information Act as set forth in §29B-1-1 *et seq.* of this code.

(d) The ~~select~~ committee may conduct proceedings in a confidential executive session for  
the purpose of conducting business, establishing policy, reviewing investigations, and  
interrogating a witness or witnesses.

~~(e) All witnesses appearing before the select committee shall testify under oath or~~  
~~affirmation, and any member of the select committee or its counsel may administer oaths or~~  
~~affirmations to such witnesses.~~ To compel witnesses to attend a hearing or produce any books,  
records, documents, or papers, or any other tangible thing except where the records, documents,  
data, or items are protected from disclosure by privilege recognized by state or federal courts, the  
select committee may issue subpoenas, signed by one of the co-chairs: *Provided*, That the ~~select~~  
committee may specifically authorize or delegate the power to any member of the ~~select~~  
committee to sign subpoenas on its behalf. The subpoenas shall be served by any person

40 authorized by law to serve and execute legal process, and service shall be made without charge.  
41 Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is  
42 allowed witnesses before any petit jury in this state.

43 (f) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer  
44 inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers,  
45 or any other tangible thing within his or her control when the same are demanded, the select  
46 committee shall report the facts to the circuit court of Kanawha County or any other court of  
47 competent jurisdiction and that court may compel obedience to the subpoena as though the  
48 subpoena had been issued by that court in the first instance: *Provided*, That prior to seeking circuit  
49 court relief, the select committee may, in its discretion, first demand the Secretary of Homeland  
50 Security or the director of the West Virginia Fusion Center under whom an employee has failed to  
51 appear or which has failed to produce requested or subpoenaed material to appear before the  
52 select committee and address the basis for the failure to comply and whether compliance will be  
53 forthcoming.

54 (g) The select committee may direct the West Virginia Fusion Center to send its budgetary  
55 accounting to the State Auditor: *Provided*, That if budgetary expenditures are classified, or  
56 security or law enforcement sensitive such that disclosure would compromise an investigation,  
57 those entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia  
58 Fusion Center accounting provided to the State Auditor: *Provided, however*, That the State Auditor  
59 shall bring any accounting issues of concern to the attention of the select committee, upon which  
60 the select committee shall subpoena the West Virginia Fusion Center for unredacted copies of the  
61 accounting items to be presented for explanation and justification of the necessity and legality of  
62 the concerns raised by the State Auditor. The select committee may take whatever action it deems  
63 necessary, if any, after review and analysis of the subpoenaed unredacted materials.

## CHAPTER 16. PUBLIC HEALTH.

**ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN  
RESOURCES ACCOUNTABILITY.**

**§16-29E-4. Creation of a Legislative Oversight commission on health and human resources  
accountability.**

1 [Repealed.]

**CHAPTER 17. ROADS AND HIGHWAYS.**

**ARTICLE 2B. TOLL ROAD STUDY COMMISSION.**

**§17-2B-1. Legislative findings and purposes.**

1 [Repealed.]

**§17-2B-2. Toll road study commission created; composition; appointment of members;  
chairman.**

1 [Repealed.]

**§17-2B-3. Compensation and expenses of commission members; expenses of  
commission.**

1 [Repealed.]

**§17-2B-4. Powers and duties of the commission.**

1 [Repealed.]

**§17-2B-5. Meetings of the commission; quorum.**

1 [Repealed.]

**§17-2B-6. Interpretation of article; termination of commission.**

1 [Repealed.]

**CHAPTER 18B. HIGHER EDUCATION.**

**ARTICLE 14. MISCELLANEOUS.**

**§18B-14-1. Select committee on outcomes-based funding models in higher education.**

1 [Repealed.]

**§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.**

1 [Repealed.]

## **CHAPTER 21. LABOR**

### **ARTICLE 5E. EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES.**

**§21-5E-1. Legislative findings and purpose.**

1 [Repealed.]

**§21-5E-2. Definitions.**

1 [Repealed.]

**§21-5E-3. Discrimination between sexes in payment of wages for work of comparable character prohibited.**

1 [Repealed.]

**§21-5E-4. Employee's right of action against employer.**

1 [Repealed.]

**§21-5E-5. Establishment of the Equal Pay Commission; appointment of members.**

1 [Repealed.]

**§21-5E-6. Commission's duties; promulgation of rules.**

1 [Repealed.]

## **CHAPTER 22. ENVIRONMENTAL RESOURCES.**

### **ARTICLE 26. WATER RESOURCES PROTECTION ACT.**

**§22-26-5. Joint Legislative Oversight Commission on State Water Resources.**

1 [Repealed.]

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 1B. COMMISSION ON INTERSTATE COOPERATION.**

**§29-1B-1. Senate committee on interstate cooperation.**

1 [Repealed.]

**§29-1B-2. House committee on interstate cooperation.**

1 [Repealed.]

**§29-1B-3. West Virginia commission on interstate cooperation.**

1 [Repealed.]

**§29-1B-4. Terms of Senate and House committees.**

1 [Repealed.]

**§29-1B-5. Function of commission.**

1 [Repealed.]

**§29-1B-6. Commission may establish delegations and committees.**

1 [Repealed.]

**§29-1B-7. Names of committees and commission.**

1 [Repealed.]

**CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT.**

**ARTICLE 3A. HIGHER EDUCATION RULE MAKING.**

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

1 ~~(a) There is hereby created a joint commission of the Legislature known as the Legislative~~  
2 ~~Oversight Commission on Education Accountability to review all legislative rules of the agency~~  
3 ~~and other rules as the commission deems appropriate. The commission shall be composed of six~~  
4 ~~members of the Senate appointed by the President of the Senate and six members of the House of~~  
5 ~~Delegates appointed by the Speaker of the House of Delegates. No more than five of the six~~  
6 ~~members appointed by the President of the Senate and the Speaker of the House of Delegates,~~  
7 ~~respectively, may be members of the same political party. In addition, the President of the Senate~~  
8 ~~and the Speaker of the House of Delegates shall be ex officio nonvoting members of the~~  
9 ~~commission and shall designate the co-chairs. 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 have been appointed as heretofore provided. Members of the commission shall receive compensation and expenses as provided in §4-2A-1 et seq. of this code. Those 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 is made, the expenses shall be paid from the appropriation under "Account No. 103 for Joint Expenses", but no expense of any kind whatever payable under the account 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 rules of procedure as it considers necessary for the submission, presentation, and consideration of rules.~~

## **CHAPTER 31. CORPORATIONS.**

### **ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.**

#### **§31-20-26. Legislative oversight committee.**

[Repealed.]

NOTE: The purpose of this bill generally relates to commissions. The bill removes the legislative members. Finally, the bill eliminates expired commissions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.