

1 **H. B. 4634**

2  
3 (By Delegate White)

4 [Introduced February 20, 2012; referred to the  
5 Committee on Government Organization then Finance.]  
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10 A BILL to repeal §60-2-21 of the Code of West Virginia, 1931, as  
11 amended; and to amend and reenact §49-6C-1 of said code, all  
12 relating to removing the requirement for the Legislative  
13 Auditor to conduct certain fiscal audits of the Alcohol  
14 Beverage Control Commission and the Children's Trust Fund.

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

16 That §60-2-21 of the Code of West Virginia, 1931, as amended,  
17 be repealed; and that §49-6C-1 of said code be amended and  
18 reenacted, all to read as follows:

19 **ARTICLE 6C. CHILDREN'S TRUST FUND.**

20 **§49-6C-1. Continuation and transfer of control of trust fund.**

21 (a) The Children's Fund, created for the sole purpose of  
22 awarding grants, loans and loan guarantees for child abuse and  
23 neglect prevention activities by enactment of chapter twenty-seven,  
24 Acts of the Legislature, 1984, as last amended and reenacted by

1 chapter one hundred fifty-nine, Acts of the Legislature, 1999, is  
2 hereby continued and renamed the West Virginia Children's Trust  
3 Fund: *Provided*, That upon the effective date of the enactment of  
4 this section during the second extraordinary session of the 2007  
5 Legislature, the fund shall be administered by the Commissioner of  
6 the Bureau for Children and Families. Gifts, bequests or donations  
7 for this purpose, in addition to appropriations to the fund, shall  
8 be deposited in the State Treasury in a special revenue account  
9 under the control of the Secretary of the Department of Health and  
10 Human Resources or his or her designee.

11 (b) Each state taxpayer may voluntarily contribute a portion  
12 of the taxpayer's state income tax refund to the Children's Trust  
13 Fund by designating the contribution on the state personal income  
14 tax return form. The bureau shall approve the wording of the  
15 designation on the income tax return form. The State Tax  
16 Commissioner shall determine by July 1, of each year the total  
17 amount designated pursuant to this subsection and shall report that  
18 amount to the State Treasurer, who shall credit that amount to the  
19 Children's Trust Fund.

20 (c) All interest accruing from investment of moneys in the  
21 Children's Trust Fund shall be credited to the fund. ~~The~~  
22 ~~Legislative Auditor shall conduct an audit of the fund before July~~  
23 ~~1, 2008, and at least every three fiscal years thereafter.~~

24 (d) Grants, loans and loan guarantees may be awarded from the

1 Children's Trust Fund by the Commissioner of the Bureau for  
2 Children and Families for child abuse and neglect prevention  
3 activities.

4 (e) Upon the effective date of the enactment of this section,  
5 all employees, records, responsibilities, obligations, assets and  
6 property, of whatever kind and character, of the Governor's Cabinet  
7 on Children and Families are hereby transferred to the Bureau for  
8 Children and Families within the Department of Health and Human  
9 Resources, including, but not limited to, all rights and  
10 obligations held by the Governor's Cabinet on Children and Families  
11 under any grants, loans or loan guarantees previously awarded from  
12 the Children's Trust Fund.

13 (f) All orders, determinations, rules, permits, grants,  
14 contracts, certificates, licenses, waivers, bonds, authorizations  
15 and privileges which have been issued, made, granted or allowed to  
16 become effective by the Governor, by any state department or agency  
17 or official thereof, or by a court of competent jurisdiction, in  
18 the performance of functions which have been transferred to the  
19 Bureau for Children and Families within the Department of Health  
20 and Human Resources, and were in effect on the date the transfer  
21 occurred continue in effect, for the benefit of the department,  
22 according to their terms until modified, terminated, superseded,  
23 set aside or revoked in accordance with the law by the Governor,  
24 the Secretary of the Department of Health and Human Resources or

1 other authorized official, a court of competent jurisdiction or by  
2 operation of law.

NOTE: The purpose of this bill is to remove the requirement for the Legislative Auditor to conduct certain fiscal audits of the Alcohol Beverage Control Commission and the Children's Trust Fund.

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