

# H. B. 4634

---

(BY DELEGATE WHITE)

---

[Introduced February 20, 2012; referred to the  
Committee on Government Organization then Finance.]

A BILL to repeal §60-2-21 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-6C-1 of said code, all relating to removing the requirement for the Legislative Auditor to conduct certain fiscal audits of the Alcohol Beverage Control Commission and the Children's Trust Fund.

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

That §60-2-21 of the Code of West Virginia, 1931, as amended, be repealed; and that §49-6C-1 of said code be amended and reenacted, all to read as follows:

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

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

- 1       (a) The Children's Fund, created for the sole purpose of
- 2       awarding grants, loans and loan guarantees for child abuse

3 and neglect prevention activities by enactment of chapter  
4 twenty-seven, Acts of the Legislature, 1984, as last amended  
5 and reenacted by chapter one hundred fifty-nine, Acts of the  
6 Legislature, 1999, is hereby continued and renamed the West  
7 Virginia Children's Trust Fund: *Provided*, That upon the  
8 effective date of the enactment of this section during the  
9 second extraordinary session of the 2007 Legislature, the  
10 fund shall be administered by the Commissioner of the  
11 Bureau for Children and Families. Gifts, bequests or  
12 donations for this purpose, in addition to appropriations to  
13 the fund, shall be deposited in the State Treasury in a special  
14 revenue account under the control of the Secretary of the  
15 Department of Health and Human Resources or his or her  
16 designee.

17 (b) Each state taxpayer may voluntarily contribute a  
18 portion of the taxpayer's state income tax refund to the  
19 Children's Trust Fund by designating the contribution on the  
20 state personal income tax return form. The bureau shall  
21 approve the wording of the designation on the income tax

22 return form. The State Tax Commissioner shall determine by  
23 July 1, of each year the total amount designated pursuant to  
24 this subsection and shall report that amount to the State  
25 Treasurer, who shall credit that amount to the Children's  
26 Trust Fund.

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

31 (d) Grants, loans and loan guarantees may be awarded  
32 from the Children's Trust Fund by the Commissioner of the  
33 Bureau for Children and Families for child abuse and neglect  
34 prevention activities.

35 (e) Upon the effective date of the enactment of this  
36 section, all employees, records, responsibilities, obligations,  
37 assets and property, of whatever kind and character, of the  
38 Governor's Cabinet on Children and Families are hereby  
39 transferred to the Bureau for Children and Families within  
40 the Department of Health and Human Resources, including,

41 but not limited to, all rights and obligations held by the  
42 Governor's Cabinet on Children and Families under any  
43 grants, loans or loan guarantees previously awarded from the  
44 Children's Trust Fund.

45 (f) All orders, determinations, rules, permits, grants,  
46 contracts, certificates, licenses, waivers, bonds,  
47 authorizations and privileges which have been issued, made,  
48 granted or allowed to become effective by the Governor, by  
49 any state department or agency or official thereof, or by a  
50 court of competent jurisdiction, in the performance of  
51 functions which have been transferred to the Bureau for  
52 Children and Families within the Department of Health and  
53 Human Resources, and were in effect on the date the transfer  
54 occurred continue in effect, for the benefit of the department,  
55 according to their terms until modified, terminated,  
56 superseded, set aside or revoked in accordance with the law  
57 by the Governor, the Secretary of the Department of Health  
58 and Human Resources or other authorized official, a court of  
59 competent jurisdiction or by 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.