

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 409

FISCAL
NOTE

BY SENATOR SMITH

[Introduced February 23, 2021; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §49-10-1, relating to transferring child welfare enforcement responsibilities to
3 the West Virginia State Police; transferring employees, funds, and property of the
4 Department of Health and Human Resources to the West Virginia State Police; providing
5 that transferred employees remain in the Civil Service System, continue to participate in
6 Public Employees Retirement System Insurance, and continue to be covered by the Public
7 Employees Insurance Act; and requiring rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. ENFORCEMENT.

**§49-10-1. Enforcement transferred to West Virginia State Police; employees; funds and
property; rulemaking.**

1 (a) No later than January 1, 2022, all enforcement responsibilities and requirements to
2 enforce the provisions of this chapter that are currently performed by the Department of Health
3 and Human Resources and its employees shall be transferred to the West Virginia State Police
4 and its members.

5 (b) No later than January 1, 2022, all employees of the Department of Health and Human
6 Resources whose responsibility it is to enforce the provisions of this chapter shall be transferred
7 to the West Virginia State Police and become its employees.

8 (c) No later than January 1, 2022, the funds and all property, both real and personal, used
9 by the Department of Health and Human Resources used to enforce the provisions of this chapter
10 shall be transferred to the West Virginia State Police.

11 (d) All employees transferred pursuant to §49-9-1(b) of this code shall remain in the Civil
12 Service System, continue to participate in Public Employees Retirement System Insurance, and
13 continue to be covered by the Public Employees Insurance Act.

14 (e) The West Virginia State Police and the Department of Health and Human Resources
15 shall propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code to

16 implement this article.

NOTE: The purpose of this bill is to transfer child welfare enforcement responsibilities to the West Virginia State Police. The bill transfers employees, funds and property of the Department of Health and Human Resources to the West Virginia State Police. The bill provides that the transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance and continue to be covered by the Public Employees Insurance Act. The bill requires rulemaking.

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