



July 2008
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Departmental Review

Department of Administration Boards, Commissions, and Committees



WEST VIRGINIA LEGISLATIVE AUDITOR
PERFORMANCE EVALUATION & RESEARCH DIVISION

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WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305
(304) 347-4890

Aaron Allred
Legislative Auditor

John Sylvia
Director

Denny Rhodes
Research Manager

Michael S. Keeney
Senior Research Analyst

Aysia Miller
Referencer

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

July 30, 2008

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Jim Morgan
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Performance Review Act, we are transmitting a Departmental Review of the *West Virginia Department of Administration Boards, Commissions, and Committees*, which will be presented to the Joint Committee on Government Operations and Joint Committee on Government Organization on Wednesday, July 30, 2008.

We transmitted a draft copy of the report to the West Virginia Department of Administration on July 15, 2008. We held an exit conference on July 15, 2008. We received the agency response on July 25, 2008.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/tlc

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EXECUTIVE SUMMARY

This study included a review of each of the 24 associated and independent boards, commissions, and committees under the purview of the Department of Administration. The Legislative Auditor found that not all boards, commissions, and committees are meeting as required by code and that some require the appointment of members. In those cases, the Legislative Auditor has recommended that the board, commission, or committee meet as required in order to execute its legislative mandates. In several cases, the Legislative Auditor has recommended changes in statute in order to redefine the membership composition of an entity, merge the function of the entity with another state entity, or abolish the entity altogether. The entities recommended for termination are the Public Employee Insurance Agency Advisory Board, the State Personnel Advisory Council, and the Public Employee Leave Benefit Analysis Board. Finally, the Legislative Auditor has identified all cases where the board, commission, and committee or its associated state agency was set to sunset pursuant to the obsolete sunset schedule. The legislative auditor has made a single recommendation to address each of these instances.

The entities recommended for termination are the Public Employee Insurance Agency Advisory Board, the State Personnel Advisory Council, and the Public Employee Leave Benefit Analysis Board.

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider either formally reinstating or removing all mention of the Public Employee Insurance Agency Advisory Board in Code.*
2. *The Legislative Auditor recommends that the Legislature amend §5A-3C-7 of the Code to remove the provision requiring that the director of the Workers' Compensation Commission serve on the Pharmaceutical Cost Management Council.*
3. *The Legislative Auditor recommends that the Governor's Mansion Advisory Committee meet annually as required in order to discharge its duties set forth by §5A-5-1.*
4. *The Legislative Auditor recommends that the Records Management Preservation Advisory Committee meet as necessary to discharge its duties set forth by §5A-8-6.*
5. *The Legislative Auditor recommends that the Legislature consider abolishing the State Personnel Advisory Council since the policies set forth by the Council are reported by the Department of Administration to have been implemented and the Council is no longer active.*

6. *The Legislative Auditor recommends that the Legislature consider abolishing the Public Employee Leave Benefit Analysis Board since it has completed its mission and is no longer active.*

7. *The Legislature should consider merging the functions of the Records Management and Preservation Advisory Committee with the Records Management and Preservation Board.*

8. *The Legislative Auditor recommends that the Department of Administration coordinate with the Office of the Governor to appoint appropriate persons to each of the vacancies and expired positions that exist on the various boards, commissions, and committees that are needed.*

9. *The Legislative Auditor recommends that the Legislature consider removing the sunset date references in the Code for the Board of Risk and Insurance Management, Children's Health Insurance Board, Consolidated Public Retirement Board, Education and State Employees Grievance Board, Ethics Commission, Public Defender Services, Public Employee Insurance Agency Finance Board, Prosecuting Attorneys Institute Executive Council, Commission on Uniform State Laws, Design-Build Board, and Pharmaceutical Cost Management Council.*

OBJECTIVE, SCOPE & METHODOLOGY

Objective

The objective of this study was to identify all boards, commissions, and committees under the governance of the Department of Administration. Upon identification, the Legislative Auditor's objective was to: identify the composition of each of the boards, commissions, and committees; identify whether the boards, commissions, or committees are meeting; identify whether the Code permits the payment of expenses and compensation for members of the entities; identify whether the board, commission, or committee has a line-item appropriation or whether it receives funding from an associated entity; identify any vacancies in membership on each of the boards, commissions, and committees; and to identify which boards, commissions, and committees should be abolished due to inactivity, fulfillment of legislative mandate, or both.

Scope

The Legislative Auditor reviewed each of the 24 affiliated and independent boards, commissions, and committees under the purview of the Department of Administration. Financial and meeting information was limited to fiscal years 2006-2008.

Methodology

The Legislative Auditor surveyed the chairpersons or representatives for the associated and independent boards, commissions, and committees to request specific information regarding the membership, frequency of meetings, financial information, possible mission change, and entity effectiveness. Statutory criteria were obtained from the various code citations pertaining to each entity. The Legislative Auditor obtained budgetary information from the State of West Virginia Executive Budget, Volume II, and Operating Detail for fiscal years 2007, 2008, & 2009. Finally, information regarding the Indigent Defense Commission was derived from the 2008 Regular Session Enrolled Committee Substitute for House Bill 4022 (effective July 1, 2008). Every aspect of this review complied with the Generally Accepted Governmental Auditing Standards (GAGAS) as set forth by the Comptroller General of the United States of America.

Introduction

As part of the Departmental Review of the Department of Administration, the Legislative Auditor is issuing this informational report on the various boards, commissions, and committees under the purview of the Department of Administration. The intent of the report is to

- identify all boards, commissions, and committees under the governance of the Department of Administration;
- identify the composition of each of the boards, commissions, and committees:¹
- identify whether the boards, commissions, or committees are meeting;
- identify whether the Code permits the payment of expenses and compensation for members of the entities;
- identify whether the board, commission, or committee has a line-item appropriation or whether it receives funding from an associated entity;
- identify any vacancies in membership on each of the boards, commissions, and committees; and finally
- identify which boards, commissions, and committees should be abolished due to inactivity, fulfillment of legislative mandate, or both.

In order to obtain specific data about each of the entities, the Legislative Auditor surveyed each of the boards, commissions, and committees. Information was also obtained from the Code and from the 2007-2009 Fiscal Year Executive Budgets, Volume II, Operating Detail.

¹All appointments are made by the Governor unless otherwise stated.

Each entity is organized by two types of classifications. For the purposes of this report, the entities are classified as either:

1. **Associated** - Directly associated with overseeing, advising, or complementing a state agency (ex. Board of Risk and Insurance Management); or
2. **Independent** - Fundamentally independent and created to serve as a subject-specific taskforce or problem-solving entity (ex. Commission on Uniform State Laws).

Associated Boards, Commissions, and Committees

Introduction

The introductory section of the report defined “associated” boards, commissions, and committees as those that are directly associated with oversight, advising, or complementing of a state agency. The following boards, commissions, and committees are classified as “associated.” Also included is each entity’s associated agency:

- Board of Risk and Insurance Management
 - Agency: Board of Risk and Insurance Management (BRIM)
- Children’s Health Insurance Board
 - Agency: Children’s Health Insurance Program (CHIP)
- Consolidated Public Retirement Board
 - Agency: Consolidated Public Retirement Board
- Education and State Employees Grievance Board
 - Agency: Public Employees Grievance Board
- Ethics Commission and Probable Cause Review Board
 - Agency: Ethics Commission
- Indigent Defense Commission
 - Agency: Public Defender Services
- Public Employee Insurance Agency Finance Board and Public Employee Insurance Agency Advisory Board
 - Agency: Public Employee Insurance Agency (PEIA)
- State Personnel Board
 - Agency: Division of Personnel
- Prosecuting Attorneys Institute Executive Council
 - Agency: Prosecuting Attorneys Institute

Board of Risk and Insurance Management

No Recommendation

The Board of Risk and Insurance Management provides governance for the administration of the State's insurance. According to §29-12-5(a)(1), the Board has

...general supervision and control over the insurance of state property, activities and responsibilities, including:

- (A) The acquisition and cancellation of state insurance;*
- (B) Determination of the kind or kinds of coverage;*
- (C) Determination of the amount or limits for each kind of coverage;*
- (D) Determination of the conditions, limitations, exclusions, endorsements, amendments and deductible forms of insurance coverage;*
- (E) Inspections or examinations relating to insurance coverage of state property, activities and responsibilities;*
- (F) Reinsurance; and*
- (G) Any and all matters, factors and considerations entering into negotiations for advantageous rates on and coverage of such state property, activities and responsibilities.*

In addition to this, the Board may negotiate and settle all insurance claims on behalf of the State (§29-12-5(a)(7)).

Table 1 Board of Risk and Insurance Management	
Authority	§29-12-1
Composition	<ul style="list-style-type: none"> • Vice Chancellor of Health Sciences, Higher Education Policy Commission • Two persons chosen by the Governor • One person chosen by the Governor from listed recommendations of President of the Senate • One person chosen by the Governor from listed recommendations of Speaker of the House of Delegates
Advice and Consent of Senate?	Yes
Total Membership	5
Vacancies	0
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	7
FY 2007	5
FY 2008	5
Next Scheduled Meeting	August 26, 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$92,770,876
FY 2007	\$111,089,188
FY 2008	\$96,225,693
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Children’s Health Insurance Board

No Recommendation

According to §5-16B-4(b), the purpose of the Children’s Health Insurance Board is to

...develop plans for health services or health insurance that are specific to the needs of children and to bring fiscal stability to this program through development of an annual financial plan designed in accordance with [the law].

Table 2 Children’s Health Insurance Board	
Authority	§5-16B-4
Composition	<ul style="list-style-type: none"> • Director of the Children’s Health Insurance Program • Director of the Public Employees’ Insurance Agency • Secretary of the Department of Health and Human Resources • Six citizens • One member of the Senate chosen by the President of the Senate • One member of the House of Delegates chosen by the Speaker of the House of Delegates
Advice and Consent of Senate?	Yes
Total Membership	11
Vacancies	0
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	6
FY 2007	5
FY 2008	4
Next Scheduled Meeting	July 31, 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$40,954,415
FY 2007	\$48,894,802
FY 2008	\$48,906,362
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Consolidated Public Retirement Board

No Recommendation

The Consolidated Public Retirement Board has authority over the administration of each of the eight public retirement systems created by Code.

Authority	§5-10D-1 et seq.
Composition	<ul style="list-style-type: none"> • Governor (or designee) • State Treasurer (or designee) • State Auditor (or designee) • Secretary of the Department of Administration (or designee) • Four non-member residents • A member, annuitant, or retiree of the Public Employees Retirement System who is or was a state employee • A member, annuitant, or retiree of the Public Employees Retirement System who is not or was not a state employee • A member, annuitant, or retiree of the Teachers Retirement System • A member, annuitant, or retiree of the State Police Death, Disability and Retirement Fund • A member, annuitant, or retiree of the Deputy Sheriff Death Disability and Retirement Fund • A member, annuitant, or retiree of the Teachers Defined Contribution Retirement System • A member, annuitant, or retiree of the Emergency Medical Services Retirement System
Advice and Consent of Senate?	Yes
Total Membership	15
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Quarterly
Meetings Held	
CY 2006	9
CY 2007	8
CY 2008	4
Next Scheduled Meeting	July 23, 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$902,061,245
FY 2007	\$993,508,737
FY 2008	\$2,818,908,507
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Public Employees Grievance Board

No Recommendation

According to §6C-3-2, the Public Employees Grievance Board is required to maintain jurisdiction over procedural matters in the grievance process; employ administrative law judges, a director and employees; provide office space; prepare an annual budget; provide all forms necessary for the grievance process; and maintain records of the grievance proceedings.

Table 4 Public Employees Grievance Board	
Authority	§6C-3-1 et seq.
Composition	<ul style="list-style-type: none"> • One person representing the largest labor organization • One person representing an education employee organization • One employer representative from the executive branch • One employer representative from secondary or higher education • One non-employee citizen member
Advice and Consent of Senate?	Yes
Total Membership	5
Vacancies	0
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Four times per year
Meetings Held	
FY 2006	8
FY 2007	2
FY 2008	15
Next Scheduled Meeting	September 8, 2008
Board, Commission, or Committee Appropriation?	Yes
Affiliated Agency Budget	
FY 2006	\$900,504
FY 2007	\$965,302
FY 2008	\$1,255,161
<i>Source: Information was derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Ethics Commission and the Probable Cause Review Board

See Recommendation 8

The Ethics Commission serves as the body that interprets the West Virginia Governmental Ethics Act. According to §6B-2-2(b):

The Commission may initiate or receive complaints and make investigations, as provided in section four of this article, and upon complaint by an individual of an alleged violation of this article by a public official or public employee, refer the complaint to the Review Board as provided in section two-a of this article. Any person charged with a violation of this chapter is entitled to the administrative hearing process contained in section four of this article.

Authority	§6B-2-1
Composition	<ul style="list-style-type: none"> • Two members that have served in the Legislature • Two members that have been employed in full time elected or appointed office in state government • One member that has served as an elected county or municipal office or school board • One member that has been employed full time county or municipal officer or employee • Two members that have served part time as a member or director of a state, county, or municipal board, commission, or public service district • Four members from the public at large
Advice and Consent of Senate?	Yes
Total Membership	12
Vacancies	2
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	14
FY 2007	11
FY 2008	5
Next Scheduled Meeting	July 10, 2008
Board, Commission, or Committee Appropriation?	Yes
Affiliated Agency Budget	
FY 2006	\$706,081
FY 2007	\$700,000
FY 2008	\$705,502
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

The Probable Cause Review Board is an autonomous board that makes probable cause determinations as to violations of the West Virginia Governmental Ethics Act. According to the Code, the Board is not under the control of the Ethics Commission. The Board reviews complaints that are received or initiated by the Ethics Commission in order to determine whether there is *probable cause* that a violation of the Act has occurred. If probable cause is found, the Ethics Commission will then investigate.

Table 6 Probable Cause Review Board	
Authority	§6B-2-2a
Composition	<ul style="list-style-type: none"> • Three members from the public, at least one of which is a licensed attorney
Advice and Consent of Senate?	Yes
Total Membership	3
Vacancies	1*
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	12
FY 2007	12
FY 2008	12
Next Scheduled Meeting	July 16, 2008
<i>*Effective June 30, 2008</i>	
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

The Legislative Auditor recommends that the vacancies on the Commission and the recent vacancy on the Board be filled.

Indigent Defense Commission

No Recommendation

The Indigent Defense Commission was created during the 2008 Regular Session by House Bill 4022 in order to

...provide assistance to Public Defender Services with regard to the general policies and procedures of the agency, including, but not limited to, the opening, closing or merging of public defender offices throughout the state and the establishment of performance measures for the qualitative review of indigent defense.

The statute authorizing this agency became effective on July 1, 2008. Therefore, for the purposes of this report, information regarding this entity is limited to its structure and purpose. While the Commission will not providing **oversight** to the Public Defender Services, budget information for that agency is included in the table.

Table 7 Indigent Defense Commission	
Authority	§29-21-3b
Composition	<ul style="list-style-type: none"> • Executive Director of Public Defender Services • One former retired judge • Three lawyers with significant criminal defense experience • One current chief public defender • One non-lawyer committed to providing legal services to the indigent • One mental illness and developmental disabilities advocate • One lawyer with experience in juvenile delinquency, abuse and neglect defense
Advice and Consent of Senate?	No
Total Membership	9
Vacancies	n/a
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Four times per year
Meetings Held	
FY 2006	n/a
FY 2007	n/a
FY 2008	n/a
Next Scheduled Meeting	n/a
Affiliated Agency Budget	
FY 2006	\$28,100,387
FY 2007	\$31,599,889
FY 2008	\$34,102,083
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Public Employee Insurance Agency Finance Board and Public Employee Insurance Agency Advisory Board

See Recommendation 1

According to §5-16-5(a), the purpose of the Public Employee Insurance Finance Board is to

...bring fiscal stability to the Public Employees Insurance Agency through development of annual financial plans and long-range plans designed to meet the agency's estimated total financial requirements, taking into account all revenues projected to be made available to the agency and apportioning necessary costs equitably among participating employers, employees and retired employees and providers of health care services.

Table 8 Public Employee Insurance Agency Finance Board	
Authority	§5-16-4
Composition	<ul style="list-style-type: none"> • One representative of education employees • One representative of public employees • One representative of retired employees • One representative of organized labor • Four representatives from the public at large • Secretary of the Department of Administration (or designee)
Advice and Consent of Senate?	Yes
Total Membership	9
Vacancies	0
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
CY 2006	10
CY 2007	7
CY 2008	4
Next Scheduled Meeting	July 24, 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$659,328,007
FY 2007	\$704,394,956
FY 2008	\$692,808,112
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

The Public Employees Agency Advisory Board was created in 1990 in order to provide advice to the Director of the Public Employee Insurance Agency. According to §5-16-6, the intended purpose of the Board is to

...provide advice and make recommendations to the director concerning group hospital and surgical insurance, group major medical insurance and group life and accidental death insurance for all employees in the manner as hereinafter provided...The advisory board members shall receive notice of all finance board meetings and be given the opportunity to offer advice and recommendations to the finance board...The advisory board shall be responsible for advising and making recommendations to the director regarding the administration and management of the public employees insurance agency as provided for in this article...Under no circumstances, however, will the decisions, advice or recommendations of the advisory board be controlling or binding on the director.

The Board consists of the following persons:

- Three members representing licensed health care professionals, health care facilities or other types of health care providers;
- Five members either covered by PEIA or from organizations representing such employees;
- One member representing the Health Care Cost Review Authority;
- Five members from the public at-large; and
- The Insurance Commissioner or his or her designee.

According to the Department of Administration, the Board was abolished through the Sunset Law. According to the old sunset provisions, the Board was set to terminate on July 1, 1997 (§4-10-5(2)). However, a legislative audit was not conducted. Since that time, that section of the Code has become obsolete through the passage of the Performance Review Act (Acts of 2007, c. 200). Current editions of *West's Annotated Code of West Virginia* as well as the electronic versions of the Code furnished online by the Joint Committee on Government

and Finance indicate that Board's section of statute (§5-16-6) is in effect. There is no mention of the termination in these two resources. However, the Editor's Notes section in the Michie's "West Virginia Code Annotated", §5-16-6 indicates that the Board was terminated through the sunset schedule. Since the old sunset provision is no longer referenced in Code, this creates the appearance that the Board should be active. Most importantly, it is the Legislative Auditor's opinion that the Board **did not legitimately sunset** since the required audit did not occur. The Code clearly states (prior to the 2007 amendments to §4-10-5) that **"no agency may be terminated under this section unless a preliminary performance review has been conducted..."** While the Sunset Law has since been replaced by the Performance Review Act of 2007, it is assumed that any non-terminated state entity would be transferred to the current Performance Review act provisions. There is one more known reference to the Board in §5F-2-1(a)(2). Here, the Code states that the Board is "incorporated in and administered as a part of the Department of Administration."

Due to the fact that the Department of Administration perceives the Board to be abolished, that it has likely not met in over a decade, and the last appointment expiration occurred in 2001, the Legislature should consider taking action to either: (a) formally reinstate the Board or (b) to craft legislation that would remove all references to the Board in Code.

State Personnel Board

See Recommendation 8

The State Personnel Board provides oversight to the Division of Personnel. Specifically, §29-6-6 requires the Board to:

- (1) Propose rules for legislative approval, in accordance with chapter twenty-nine-a of this code, to implement the provisions of this article;*
- (2) Interpret the application of this article to any public body or entity; and*
- (3) Authorize and conduct any studies, inquiries, investigations or hearings in the operation of this article it considers necessary.*

Currently, there is one vacancy on the Board. The Legislative Auditor recommends that this vacancy be filled.

Table 9 State Personnel Board	
Authority	§29-6-6
Composition	<ul style="list-style-type: none"> • Secretary of the Department of Administration (or designee) • Five citizens
Advice and Consent of Senate?	Yes
Total Membership	6
Vacancies	1
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Once per month
Meetings Held	
CY 2006	12
CY 2007	12
CY 2008	6
Next Scheduled Meeting	July 17, 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$4,574,163
FY 2007	\$4,793,684
FY 2008	\$5,096,591
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Prosecuting Attorneys Institute Executive Council

No Recommendation

The Prosecuting Attorneys Institute Executive Council serves as the oversight body for the Prosecuting Attorneys Institute. The powers and duties of the Executive Council and the Executive Director of the Institute shall include the following (7-4-6(d)):

- (1) The provision for special prosecuting attorneys to pursue a criminal matter in any county upon the request of a circuit court judge of that county and upon the approval of the Executive Council;*
- (2) The establishment and implementation of general and specialized training programs for prosecuting attorneys, their staffs and, where determined practical by the Executive Council and Executive Director, all statutorily authorized law-enforcement or investigative agencies of the state or its political subdivisions;*
- (3) The provision of materials for prosecuting attorneys and their staffs, including legal research, technical assistance and technical and professional publications;*
- (4) The compilation and dissemination of information on behalf of prosecuting attorneys and their staffs on current developments and changes in the law and the administration of criminal justice;*
- (5) The establishment and implementation of uniform reporting procedures for prosecuting attorneys and their professional staffs in order to maintain and to provide accurate and timely data and information relative to criminal prosecutorial matters;*
- (6) The acceptance and expenditure of grants, moneys for reimbursement of expenses, gifts and acceptance of services from any public or private source;*
- (7) The entering into of agreements and contracts with public or private agencies, groups, organizations or educational institutions;*
- (8) The identification of experts and other resources for use by Prosecutors in criminal matters;*
- (9) The recommendation to the Legislature or the Supreme Court of Appeals of the State of West Virginia on measures*

required, or procedural rules to be promulgated, to make uniform the processing of juvenile cases in the fifty-five counties of the state; and
 (10) The development of a written handbook for prosecutors and their assistants to use which delineates relevant information concerning the elements of various crimes in West Virginia and other information the Institute considers appropriate.

Table 10 Prosecuting Attorneys Institute Executive Council	
Authority	§7-4-6
Composition	<ul style="list-style-type: none"> • Five prosecuting attorneys elected by membership of the West Virginia Prosecuting Attorneys Institute • Two persons appointed by membership of the County Commissioner’s Association of West Virginia
Advice and Consent of Senate?	No
Total Membership	7
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	Yes*
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	4
FY 2007	4
FY 2008	1
Next Scheduled Meeting	August 2008
Board, Commission, or Committee Appropriation?	No
Affiliated Agency Budget	
FY 2006	\$1,269,230
FY 2007	\$1,574,835
FY 2008	\$1,252,672
<i>*A majority of the meetings are held at the same time of prosecuting attorney conferences and reimbursement of expenses is not made by the Executive Council or the Prosecuting Attorneys Institute. Expenses would therefore be paid by each member’s respective sponsoring agency.</i>	
<i>Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.</i>	

Independent Boards, Commissions, and Committees

Introduction

The introductory section of the report defined “independent” boards, commissions, and committees as fundamentally independent and created to serve as a subject specific taskforce or problem-solving entity. In some situations the entity may provide advice to a state agency or administrator. However, the entity is not considered the direct governing body or supervisor (ex: Council on Finance and Administration). The following boards, commissions, and committees are considered as such and included in this section of the report:

- Boundary Commission
- Commission on Uniform State Laws
- Committee for the Purchase of Commodities from the Handicapped
- Council of Finance and Administration
- Design-Build Board
- Employee Suggestion Award Board
- Executive Compensation Commission
- Governor’s Commission on Public Sector Employment and Employee Relations
- Governor’s Mansion Advisory Committee
- Pharmaceutical Cost Management Council
- Public Employee Leave Benefit Analysis Board
- Records Management and Preservation Advisory Committee
- State Personnel Advisory Committee

Boundary Commission

See Recommendation 8

The Boundary Commission is charged with settling state, county, and municipality boundary line disputes. According to §29-23-2(c), the Commission shall have the authority to:

- (1) Establish a boundary line which shall be presumed correct unless proven otherwise in a court of law;*
- (2) Employ a surveyor or professional engineer licensed in this state to survey such boundary;*
- (3) Contract for the placement of monuments to identify any boundary line in dispute, such monuments to be handset by a licensed surveyor;*
- (4) Seek the assistance of the West Virginia geological and economic survey to identify the location of any boundary line in dispute and the recommended placement of marker locations;*
- (5) Meet with similar commissions or bodies of any of the several states contiguous with this state, whose purpose in their respective states is to establish state boundary lines coterminous with the boundary of the state of West Virginia and submit findings and recommendations to the Legislature, applicable to the location of any particular boundary segment in question;*
- (6) Recommend to the Legislature that appropriate legislation be enacted, establishing the true boundary line at those portions of the state boundary that are in dispute with another state or whose location is uncertain: **Provided**, That the contiguous state agrees with the recommendation;*
- (7) Recommend to the Legislature, where no agreement can be attained with another state as to the actual location of any portion of this state's boundary line, proper legislation to direct that the attorney general proceed under the constitution of the United States with litigation to adjudicate the exact and true location of any boundary line in dispute or whose precise location is unascertainable;*

According to the Department of Administration, two of the three positions on the Commission have expired but the members are continuing to serve. There is one absolute vacancy. Since there have not been any boundary disputes, there has not been a need for the Commission to meet during the past three years. The Legislative Auditor recommends that the expired and absolute vacancies on the Commission be filled.

Table 11 Boundary Commission	
Authority	§29-23-1
Composition	• Three citizens
Advice and Consent of Senate?	Yes
Total Membership	3
Vacancies	1
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Derived from Code and agency surveys.</i>	

Commission on Uniform State Laws

No Recommendation

The Commission on Uniform State Laws is required by statute to attend the National Conference of Commissioners on Uniform State Laws in order to promote the uniformity of state laws. The Commission is also required to make recommendations to the Legislature as to legislation that might be required in order to gain uniformity with other states.

Table 12 Commission on Uniform State Laws	
Authority	§29-1A-1
Composition	<ul style="list-style-type: none"> Three persons appointed by the Governor upon recommendation of the Executive Council of the West Virginia Bar Association
Advice and Consent of Senate?	No
Total Membership	3
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Once every two years
Meetings Held	
FY 2006	1*
FY 2007	1*
FY 2008	1*
Next Scheduled Meeting	July 19, 2008
Board, Commission, or Committee Appropriation?	Yes
Commission Budget**	
FY 2006	\$29,295
FY 2007	\$31,000
FY 2008	\$40,000
<i>*According to the Chairman, the Commission communicates in person or by conference call outside of the official meeting held in July of each year.</i>	
<i>**Reimbursements for travel expenses to the National Conference of Commissioners on Uniform State Laws and dues.</i>	
<i>Source: Derived from Code and agency surveys.</i>	

Committee for the Purchase of Commodities and Services from the Handicapped

See Recommendation 8

In conjunction with a central nonprofit agency (approved by the director of the Division of Rehabilitation Services) the Committee for the Purchase of Commodities and Services from the Handicapped works to

...further the state's policy of encouraging disabled persons to achieve maximum personal independence by engaging in productive activities and in addition to provide state agencies, institutions and political subdivisions with a method for achieving conformity with purchasing procedures and requirements of nondiscrimination, affirmative action, in employment matters related to disabled persons (§5A-3A-1).

The Committee's mandates are as follows:

(a) Determining the fair market price of all commodities, printing and services produced by nonprofit workshops and offered for sale by the central nonprofit agency to the various departments and political subdivisions of the state. Prices shall be revised periodically to reflect changing market conditions.

(b) Monitoring the activities of the central nonprofit agency to assure that the interests of the state's handicapped citizens are advanced by the agency. The committee shall make rules necessary to monitor the agency as well as matters related to the state's use of the products and services produced by the handicapped. Except as stated in section ten, article three of this chapter, rules shall reflect agreement with the policies and procedures established by the state's purchasing units.

(c) Monitoring the performance of the central nonprofit agency to see that the commodities and services produced meet state specifications (or in the absence of specifications meet standards in use by the federal government or industry) as to quality and delivery. The

committee shall provide procedures for formal and informal resolution of provider and consumer grievances or complaints.

(d) Maintaining records pertaining to its activities under the act including records of sales, formal grievances, number of handicapped workers employed, a summary of disabilities for workers providing services, a list of workshop products and services, and the geographic distribution of provider workshops. On or before the first day of January of each year the committee shall file with the governor and the presiding officer of each house of the Legislature a written report summarizing the above records and giving a detailed accounting for all funds received and disbursed by the committee during the preceding year.

According to the Chairperson of the Committee, all members' terms have expired. However, all members are continuing to serve on the Committee. The Legislative Auditor recommends that the expired terms be filled.

Table 13	
Committee for the Purchase of Commodities and Services from the Handicapped	
Authority	§5A-3A-1
Composition	<ul style="list-style-type: none"> • A private citizen conversant with problems incidental to the employment of handicapped employees • A representative of a producing nonprofit workshop • A representative of the Division of Rehabilitation Services • A representative of the Department of Administration who is knowledgeable in purchasing requirements • A representative of private business • A representative of organized labor who is knowledgeable in matters relating to employment of the disabled
Advice and Consent of Senate?	Yes
Total Membership	6
Vacancies	6*
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	11
FY 2007	13
FY 2008	13
Next Scheduled Meeting	July 17, 2008
Board, Commission, or Committee Appropriation?	Yes
Agency Budget	
FY 2006	\$5,046
FY 2007	\$5,046
FY 2008	\$5,046
<i>*While there are technically six vacancies on the Committee, each member is continuing to serve.</i>	
<i>Source: Information was derived from Code and agency surveys.</i>	

Council of Finance and Administration

No Recommendation

The Council of Finance and Administration is an advisory council for the Cabinet Secretary of the Department of Administration and the State Budget Director. According to §5A-1-4(b):

The council shall serve the department of administration and the director of the budget in an advisory capacity for purposes of reviewing the performance of the administrative and fiscal procedures of the state, including the oversight of all federal funds, and shall have the following duties:

- (1) To advise with the director of the budget in respect to matters of budgetary intent and efficiency, including the budget bill and budget document detail and format;*
- (2) To advise with the secretary and the director of the budget concerning studies of government and administration concerning fiscal policy as it considers appropriate;*
- (3) To advise with the secretary and the director of the budget in the preparation of studies designed to provide long-term capital planning and finance for state institutions and agencies; and*
- (4) To advise with the secretary and the director of the budget in respect to the application for, and receipt and expenditure of, anticipated or unanticipated federal funds.*

Since this entity meets during legislative interim meetings, expenses and compensation for the appointed, non-ex officio members are only paid by the Joint Committee on Government and Finance if the members are not otherwise being compensated.

Table 14 Council of Finance and Administration	
Authority	§5A-1-4
Composition	<ul style="list-style-type: none"> • Secretary of the Department of Administration • Secretary of the Department of Revenue • Attorney General (or designee) • State Treasurer (or designee) • State Auditor (or designee) • Three members of the Senate chosen by the President of the Senate • Three members of the House of Delegates chosen by the Speaker of the House of Delegates
Advice and Consent of Senate?	No
Total Membership	11
Vacancies	0
Member Compensation	Yes
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Quarterly
Meetings Held	
CY 2006	4
CY 2007	4
CY 2008	2
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Derived from Code and agency surveys.</i>	

Design-Build Board

See Recommendation 8

The Design-Build Board exists to ensure that the provision of the “West Virginia Design-Build Procurement Act” are fulfilled (§5-22A). This statute works as a permitting function for public building projects. Project oversight occurs from the beginning of the project until the project is under construction. The Legislative Auditor recommends that the expired terms be filled.

Table 15 Design-Build Board	
Authority	§5-22A-1
Composition	<ul style="list-style-type: none"> • Two licensed contractors • One licensed architect • One licensed professional engineer • Secretary of the Department of Administration • One representative of labor • Three members at large
Advice and Consent of Senate?	Yes
Total Membership	9
Vacancies	9*
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Four times per year
Meetings Held	
CY 2006	4
CY 2007	4
CY 2008	5
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	Yes
Agency Budget	
FY 2006	\$19,068
FY 2007	\$19,068
FY 2008	\$19,068
* While there are technically nine vacancies on the Board, each member is continuing to serve.	
Source: Derived from Code and agency surveys.	

Employee Suggestion Award Board

No Recommendation

The purpose of the Employee Suggestion Award Board is to reward state employees with monetary compensation for submitting ideas to the State that are intended to save the State money. After an application process, the Board determines an idea's viability and makes an award decision based on a fraction of the amount of money that the idea would save the State after 12 months of implementation. Employee awards are paid from the budget of the benefitting agency.

Table 16 Employee Suggestion Award Board	
Authority	§5A-1A-1
Composition	<ul style="list-style-type: none"> • Secretary of Administration (or designee) • Chief Technology Officer (or designee) • President of the Senate (or designee) • Speaker of the House of Delegates (or designee) • Two members of the Senate chosen by the President of the Senate • Two members of the House of Delegates chosen by the Speaker of the House of Delegates • Secretary of the Department of Health and Human Resources (or designee)
Advice and Consent of Senate?	No
Total Membership	9
Vacancies	0
Member Compensation	Yes*
Member Expense Reimbursement	Yes**
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	4
FY 2007	7
FY 2008	9
Next Scheduled Meeting	July 29, 2008
Board, Commission, or Committee Appropriation?	No
<i>*Legislators serving on the Employee Suggestion Award Board are entitled to compensation as any other meeting assignment during legislative interims.</i>	
<i>**Expenses of members are paid by their respective agency.</i>	
<i>Source: Derived from Code and agency surveys.</i>	

Executive Compensation Commission

No Recommendation

The Executive Compensation Commission is required to meet every four years to review the salaries of appointed state officials. Upon review of the salaries, the Commission is required to report to the Legislature. According to the Department of Administration, this process was last done on March 1, 2005.

Table 17 Executive Compensation Commission	
Authority	§5F-1-3a
Composition	<ul style="list-style-type: none"> • One person from listed recommendations of the President of the Senate • One person from listed recommendations of the Speaker of the House of Delegates • Secretary of the Department of Administration
Advice and Consent of Senate?	No
Total Membership	3
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Once every four years
Meetings Held	
FY 2006	0*
FY 2007	0*
FY 2008	0*
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>*The Board is only required to meet every four years.</i>	
<i>Source: Derived from Code and agency surveys.</i>	

Governor's Commission on Public Sector Employment and Employee Relations

No Recommendation

The Governor's Commission on Public Sector Employment and Employee Relations was established in December 2004 by Executive Order Number 21-04. According to the Department of Administration:

The mission of the Commission was to study personnel rules, grievance procedures, and compensation rate, benefits, other terms and conditions of employment and communications between the executive branch employees and their employers. The Commission reported their recommendations to [the] Governor. As a result, the Governor set up pilot programs in various agencies. The Commission remains in place pending the outcome of the pilot projects.

Although the Commission has not met in recent years, the Department of Administration assesses that the Commission is carrying out its functions effectively, presumably since it will be needed to determine the value of the pilot projects.

Table 18	
Governor's Commission on Public Sector Employment and Employee Relations	
Authority	Executive Order Number 21-04
Composition	<ul style="list-style-type: none"> • Executive Director of the Division of Personnel (or designee) • Chancellor of the Higher Education Policy Commission (or designee) • Secretary of the Department of Administration (or designee) • Three Citizen Members Representing Labor • Two Citizen Members Representing Business • Two Citizens Representing the General Public • One Executive Branch Employee
Advice and Consent of Senate?	No
Total Membership	11
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	No
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Responses from agency survey and Executive Order Number 21-04</i>	

Governor's Mansion Advisory Committee

See Recommendation 3

According to §5A-5-1 of the Code, the Governor's Mansion Advisory Committee is charged with the following responsibilities:

(1) To make recommendations to the governor for the maintaining, preserving and replenishing of all articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art used or displayed in the state rooms of the governor's mansion, which state rooms shall consist of the front hall, the reception room, the ballroom and its sitting room, the state dining room, the front upstairs hall and the music room;

(2) To make recommendations to the governor as to the decor and arrangements best suited to enhance the historic and artistic values of the mansion in keeping with the architecture thereof and of such articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art, which recommendations shall be considered by the governor in decorating said mansion; and

(3) To invite interested persons to attend its meetings or otherwise to assist in carrying out its functions.

The effect of this is the appearance that the Committee is allowing the private foundation to assume its statutory responsibilities.

According to the Department of Administration, the Committee did not meet during fiscal years 2006, 2007, and 2008. **It was noted that members of the Committee are invited to attend the West Virginia Mansion Preservation Foundation meetings.** The Foundation is a private entity. The Code requires that the Committee meet annually. The fact that it is not meeting, but that it is invited to the meetings of the private Foundation, suggests that the private foundation is carrying out some of the functions required of the Committee. The effect of this is the appearance that the Committee is allowing the private foundation to assume its statutory responsibilities. Since the Legislature created the Committee to carry out the above-mentioned duties, the Legislative Auditor recommends that it is in the best interest of the State that the Committee meets annually to ensure that government decisions regarding government property are made publicly.

Table 19
Governor's Mansion Advisory Committee

Authority	§5A-5-1
Composition	<ul style="list-style-type: none"> • Secretary of the Department of Administration (or designee) • Commissioner of the Division of Culture and History (or designee) • The spouse of the current Governor (or designee) • One person who is a curator in the field of fine arts • One person who is an interior decorator and member of the American Institute of Decorators • One person who is a building contractor • One person representing the general public
Advice and Consent of Senate?	No
Total Membership	7
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Annually
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Derived from Code and agency surveys.</i>	

Pharmaceutical Cost Management Council

See Recommendation 2

According to §5A-3C-1, the Pharmaceutical Cost Management Council was created in 2004 to carry out the various powers intended to mitigate the effects of rising prescription drug costs by increasing access to affordable prescription drugs.

According to §5A-3C-8 the Executive Director of the Workers' Compensation Commission is a member of the Council. After the Workers' Compensation Commission became private, its membership on the Council was not transferred to the Insurance Commission or to the private workers' compensation mutual. Therefore, the Legislature should consider changing the requirements of the vacant position since no person fits the current criteria.

After the Workers' Compensation Commission became private, its membership on the Council was not transferred to the Insurance Commission or to the private workers' compensation mutual.

**Table 20
Pharmaceutical Cost Management Council**

Authority	§5A-3C-8
Composition	<ul style="list-style-type: none"> • Secretary of the Department of Administration (or designee) • Director of the Public Employees' Insurance Agency • Commissioner of the Bureau of Medical Services (or designee) • Secretary of the Department of Health and Human Resources (or designee) • The Executive Director of the Workers' Compensation Commission (or designee)* • Commissioner of the Bureau of Senior Services (or designee) • Five persons from the public
Advice and Consent of Senate?	Yes
Total Membership	11
Vacancies	1*
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	8
FY 2007	7
FY 2008	4
Next Scheduled Meeting	July 7, 2008
Board, Commission, or Committee Appropriation?	No **
*Agency that is now abolished.	
** Council has funding through the Office of the Governor.	
Source: Derived from Code, agency surveys, and the Executive Budget Operating Detail for fiscal years 2007-2009.	

Public Employee Leave Benefit Analysis Board

See Recommendation 7

The Public Employee Leave Benefit Analysis Board was created in 2001 to

...analyze the fiscal impact on the state, and on the several county boards of education whose employees participate in the public employees insurance agency plan, the ability of participating employees upon retirement to convert accrued annual and sick leave benefits for extended insurance coverage through the public employees insurance agency or for enhanced retirement benefits pursuant to section thirteen, article sixteen, chapter five of this code. The board shall determine the feasibility of instituting a voluntary leave benefit buy-back program under which employers would pay participating employees to buy back their accrued leave benefits (§5A-1-10).

Upon the conclusion of its analysis, the Board was required to submit its findings to the Legislature. According to the Department of Administration, this report was submitted on January 14, 2002. While the Board does not have a line-item appropriation, the Legislature allowed up to \$100,000 at the time of the Board's creation for expenses associated with its mission. Documentation shows that \$26,420 of this amount was used for actuarial services. Since its mission has been fulfilled, the Legislature should consider abolishing the Board.

Upon the conclusion of its analysis, the Board was required to submit its findings to the Legislature. According to the Department of Administration, this report was submitted on January 14, 2002.

Since its mission has been fulfilled, the Legislature should consider abolishing the Board.

Table 21
Public Employee Leave Benefit Analysis Board

Authority	§5A-1-10
Composition	<ul style="list-style-type: none"> • Secretary of the Department of Administration • Executive Director of the Consolidated Public Retirement Board • Director of the Public Employees' Insurance Agency • Director of the Division of Personnel • State Superintendent of Schools (or designee) • Two members of the Senate chosen by the President of the Senate • Two members of the House of Delegates chosen by the Speaker of the House of Delegates
Advice and Consent of Senate?	No
Total Membership	9
Vacancies	0
Member Compensation	No
Member Expense Reimbursement	No
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Derived from Code and agency surveys.</i>	

Records Management and Preservation Advisory Committee

See Recommendation 5

The Records Management and Preservation Advisory Committee is required to advise the State Records Administrator (the Cabinet Secretary for the Department of Administration). The Administrator is required by §5A-8-7 to:

(a) Establish standards, procedures, and techniques for effective management of records.

(b) Make continuing surveys of paperwork operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records.

(c) Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal, or fiscal value to warrant their further keeping.

(d) Select the state records which are essential and determine their category pursuant to this article. In accordance with the rules and regulations promulgated by the administrator, each person who has custody or control of state records shall (1) inventory the state records in his custody or control; (2) submit to the administrator a report thereon containing such information as the administrator directs and containing recommendations as to which state records are essential; and (3) periodically review his inventory and his report and, if necessary, revise the report so that it is current, accurate and complete.

(e) Obtain reports from agencies as are required for the administration of the program.

This Committee should not be confused with the Records Management and Preservation Board (5A-8-15). Although organized under the same article of the Code, that Board is more closely related to the Division of Culture and History and is concerned with the preservation of **county records**. Since the Advisory Committee is not actively meeting, the Legislature should consider merging the functions of the Records

Management and Preservation Advisory Committee with the Records Management and Preservation Board.

Table 22 Records Management and Preservation Advisory Committee	
Authority	§5A-8-6
Composition	<ul style="list-style-type: none"> • Governor • State Auditor • Attorney General • President of the Senate • Speaker of the House of Delegates • Chief Justice of the Supreme Court of Appeals • Circuit Court Judge to be appointed by Governor • Director of the Office of Emergency Services • Director of Archives, Division of Culture and History
Advice and Consent of Senate?	No
Total Membership	9
Vacancies	1*
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>*Circuit Judge position.</i>	
<i>Source: Derived from Code and agency surveys.</i>	

State Personnel Advisory Council

See Recommendation 6

According to §29-6-9A(b), the State Personnel Advisory Council shall:

- (1) Advise the director and the board in the development of comprehensive policies and programs for the improvement of personnel administration in the state;*
- (2) Assist in the formulation of rules and standards relating to the state system of personnel administration;*
- (3) Assist in the promotion of public understanding of the purposes, policies and practices of the state system of personnel administration.*

According to the Department of Administration, all positions on this Council are vacant. The Council last met on April 3, 1996. According to the Department of Administration

...the [C]ouncil was very active originally in the development of personnel policies and procedures by providing input and recommendations to the Division of Personnel and the Personnel Board. Since the policies and procedures have been adopted the [C]ouncil has not been active...This [Council] could be abolished since there is already oversight of the Division of Personnel through the State Personnel Board.

Due to these conditions, the Legislature should consider abolishing the Council since it appears to be no longer necessary.

Table 23 State Personnel Advisory Council	
Authority	§29-6-9A
Composition	<ul style="list-style-type: none"> • Six classified employees • Two classified-exempt employees • One appointed by the Governor by listed recommendations from the American Federation of State, County, and Municipal Employees • One person from listed recommendations from the Communication Workers of America • One person from listed recommendations from District 1199, National Union of Hospital and Health Care Employees AFL-CIO
Advice and Consent of Senate?	No
Total Membership	11
Vacancies	11
Member Compensation	No
Member Expense Reimbursement	Yes
Minimum Meeting Requirements	Not Specified
Meetings Held	
FY 2006	0
FY 2007	0
FY 2008	0
Next Scheduled Meeting	Not Scheduled
Board, Commission, or Committee Appropriation?	No
<i>Source: Information was derived from Code and agency surveys.</i>	

The Legislative Auditor has Identified Sunset Dates for Several Boards, Commissions, and Committees or their Associated Agency

The Legislative Auditor has found that sunset provisions for Boards, Commissions, and Committees still exist in code. Although it may be the intent of the Legislature to specify the expiration of some state agencies not included in the audit schedule of the Performance Review Act, the boards, commissions, and committees within the scope of this study would be exempt from the listed expiration dates since the old sunset schedule has been removed from Code. Therefore, the Legislative Auditor recommends that the following board, commission, and committee code cites be amended to remove sunset language:

- Board of Risk and Insurance Management (§29-12-12),
- Children's Health Insurance Board (§5-16B-4a),
- Consolidated Public Retirement Board (§5-10D-8),
- Division of Personnel (§29-6-5a)
- Education and State Employees Grievance Board (§6C-3-5),
- Ethics Commission (§6B-2-11),
- Public Defender Services (§29-21-3a),
- Public Employee Insurance Agency Finance Board (§5-16-4a),
- Prosecuting Attorneys Institute Executive Council (§7-4-6a),
- Commission on Uniform State Laws (§29-1A-5)
- Design-Build Board (§5-22A-15), and
- Pharmaceutical Cost Management (§5A-3C-16)

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider either formally reinstating or removing all mention of the Public Employee Insurance Agency Advisory Board in Code.*
2. *The Legislative Auditor recommends that the Legislature amend §5A-3C-7 of the Code to remove the provision requiring that the director of the Workers' Compensation Commission serve on the Pharmaceutical Cost Management Council.*
3. *The Legislative Auditor recommends that the Governor's Mansion Advisory Committee meet annually as required in order to discharge its duties set forth by §5A-5-1.*

4. *The Legislative Auditor recommends that the Records Management Preservation Advisory Committee meet as necessary to discharge its duties set forth by §5A-8-6.*

5. *The Legislature should consider merging the functions of the Records Management and Preservation Advisory Committee with the Records Management and Preservation Board.*

6. *The Legislative Auditor recommends that the Legislature consider abolishing the State Personnel Advisory Council since the policies set forth by the Council are reported by the Department of Administration to have been implemented and the Council is no longer active.*

7. *The Legislative Auditor recommends that the Legislature consider abolishing the Public Employee Leave Benefit Analysis Board since it has completed its mission and is no longer active.*

8. *The Legislative Auditor recommends that the Department of Administration coordinate with the Office of the Governor to appoint appropriate persons to each of the vacancies and expired positions that exist on the various boards, commissions, and committees that are needed.*

9. *The Legislative Auditor recommends that the Legislature consider removing the sunset date references in the Code for the Board of Risk and Insurance Management, Children's Health Insurance Board, Consolidated Public Retirement Board, Education and State Employees Grievance Board, Ethics Commission, Public Defender Services, Public Employee Insurance Agency Finance Board, Prosecuting Attorneys Institute Executive Council, Commission on Uniform State Laws, Design-Build Board, and Pharmaceutical Cost Management Council.*

APPENDIX A TRANSMITTAL LETTER

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

July 15, 2008

Robert W. Ferguson, Jr., Cabinet Secretary
West Virginia Department of Administration
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Secretary Ferguson:

This letter is to transmit a draft copy of the Department of Administration Boards, Commissions, and Committees informational report. The report is scheduled to be presented to the Joint Committee on Government Operations and the Joint Committee on Government Organization during the July 28-30, 2008, interim meetings. We will inform you of an exact meeting date and location once the information is available. It is expected that a representative from the Department be present at the meeting to orally respond to the report and to answer any questions that the committee may have.

We need your written response by noon on Tuesday, July 22, 2008 in order for it to be included in the final report. If you intend to distribute any additional materials to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, July 24, 2008, to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Denny Rhodes".

Denny Rhodes
Research Manager

Enclosure

Joint Committee on Government and Finance

Appendix B: Agency Response



JOE MANCHIN III
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

July 23, 2008

Mr. Denny Rhodes, Research Manager
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, WV 25305



**Re: Department of Administration
Boards and Commissions Report**

Dear Mr. Rhodes,

I am in receipt of your report regarding the Boards and Commissions under the purview of the Department of Administration. I will respond to each finding below:

Recommendation: The Legislative Auditor recommends that the legislature either formally reinstate or remove all mention of the Public Employee Insurance Agency Advisory Board in Code.

Response: I concur with the recommendation that the Legislature remove all mention of the Public Employee Insurance Agency Advisory Board in the Code.

Recommendation: The Legislative Auditor recommends that the Legislature amend §5A-3C-7 of the Code to remove the provision requiring that the director of the Worker's Compensation Commission serve on the Pharmaceutical Cost Management Council.

Response: Concur

Recommendation: The Legislative Auditor recommends that the Governor's Mansion Advisory Committee meet annually as required in order to discharge its duties set for the by 5A-5-a.

Response: Concur.

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Recommendation: The Legislative Auditor recommends that the Records Management Preservation Advisory Committee meet as necessary to discharge its duties set forth by §5A-8-6.

Response: Concur.

Recommendation: The Legislative Auditor recommends that the Legislature consider abolishing the State Personnel Advisory Council since the policies set forth by the Council are reported by the Department of Administration to have been implemented and the Council is no longer active.

Response: Concur.

Recommendation: The Legislative Auditor recommends that the Legislature consider abolishing the Public Employee Leave Benefit Analysis Board since it has completed its mission and is no longer active.

Response: Concur.

Recommendation: The Legislature should consider merging the functions of the Records Management and Preservation Advisory Committee with the Records Management and Preservation Board.

Response: Concur in part. More study would be needed to determine the composition of the board since the Records Management and Preservation Advisory Committee consists of constitutional officers whose role is focused solely on state records. The Records Management and Preservation Board consists of county officials with a different focus. Should the study indicate that Culture and History is a better fit, then an estimate of supportability would need to be conducted to ensure the proper resources and procedures are in place.

If you have any questions regarding the Department of Administration's responses to your questions, or need any additional information, please do not hesitate to contact me.

Sincerely,


Robert W. Ferguson, Jr.
Cabinet Secretary



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | www.legis.state.wv.us/Joint/PERD/perd.cfm | fax: 1-304-347-4939