

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4634**

(By Delegate White)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

## H. B. 4634

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(BY DELEGATE WHITE)

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[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §49-6C-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-2-21 of said code, all relating to fiscal audits conducted by the Legislative Auditor of the Alcohol Beverage Control Commission and the Children's Trust Fund; increasing audits of the Alcohol Beverage Control Commission from two fiscal years to five fiscal years; and increasing audits of the Children's Trust Fund from three fiscal years to five fiscal years.

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

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

### **CHAPTER 49. WEST VIRGINIA CHILD PROTECTIVE SERVICES ACT.**

#### **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 the  
13 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 the  
28 Children's Trust Fund shall be credited to the fund. The  
29 Legislative Auditor shall conduct an audit of the fund at least  
30 every five fiscal years.

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 the  
40 Department of Health and Human Resources, including, but  
41 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, authorizations  
47 and privileges which have been issued, made, granted or  
48 allowed to become effective by the Governor, by any state  
49 department or agency or official thereof, or by a court of  
50 competent jurisdiction, in the performance of functions which  
51 have been transferred to the Bureau for Children and Families  
52 within the Department of Health and Human Resources, and  
53 were in effect on the date the transfer occurred continue in  
54 effect, for the benefit of the department, according to their  
55 terms until modified, terminated, superseded, set aside or  
56 revoked in accordance with the law by the Governor, the  
57 Secretary of the Department of Health and Human Resources  
58 or other authorized official, a court of competent jurisdiction  
59 or by operation of law.

## **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

### **ARTICLE 2. ALCOHOLIC BEVERAGE CONTROL COMMISSIONER.**

#### **§60-2-21. Audit.**

1 At least every five fiscal years, the Legislative Auditor  
2 shall audit the affairs of the West Virginia Alcohol Beverage

3 Control Commissioner and report the results of the audit to  
4 the Governor. The cost of the audit shall be paid from the  
5 operating fund.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

\_\_\_\_\_  
*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
*Governor*