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**H. B. 2542**

(By Delegates Espinosa, Gearheart, Householder, Folk, Upson,  
McCuskey, Ellington, Westfall, Overington, Cowles and Howell)

[Introduced February 2, 2015; referred to the  
Committee on Government Organization then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §4-10-3 and §4-10-8 of the Code of West Virginia, 1931, as amended,  
all relating to the Legislative Auditor; requiring reviews of groups of agencies on a four-year  
cycle.

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

That §4-10-3 and §4-10-8 of the Code of West Virginia, 1931, as amended, be amended and  
reenacted, all to read as follows:

**ARTICLE 10. PERFORMANCE REVIEW ACT.**

**§4-10-3. Definitions.**

As used in this article, unless the context clearly indicates a different meaning:

(a) “Agency” or “state agency” means a state governmental entity, including any bureau,  
department, division, commission, agency, committee, office, board, authority, subdivision, program,  
council, advisory body, cabinet, panel, system, task force, fund, compact, institution, survey,  
position, coalition or other entity in the State of West Virginia.

(b) “Agency review” means a review performed ~~on agencies of a department~~ pursuant to the

1 provisions of this article.

2 (c) “Committee” means the Joint Committee on Government Operations.

3 (d) “Compliance review” means a review for compliance with recommendations contained  
4 in a previous agency review or regulatory board review conducted pursuant to the provisions of this  
5 article and may include further inquiry of other issues as directed by the President, the Speaker, the  
6 Legislative Auditor, the committee or the joint standing committee.

7 (e) “Department” means the departments created within the executive branch, headed by a  
8 secretary appointed by the Governor, as authorized by the Code of West Virginia.

9 (f) “Department presentation” means a presentation by a department pursuant to the  
10 provisions of this article.

11 (g) “Division” means the Performance Evaluation and Research Division of the Legislative  
12 Auditor.

13 (h) “Joint standing committee” means the Joint Standing Committee on Government  
14 Organization.

15 (i) “Privatize” means a contract to procure the services of a private vendor to provide a  
16 service that is similar to, and/or in lieu of, a service provided by a state agency.

17 (j) “Regulatory Board” means a board that regulates professions and occupations, created  
18 under the provisions of chapter thirty of this code.

19 (k) “Regulatory Board Review” means a review performed on a regulatory board pursuant  
20 to the provisions of this article.

21 **§4-10-8. Schedule of departments for agency review.**

22 (a) Each department shall make a presentation, pursuant to the provisions of this article, to

1 the joint standing committee and the committee during the first interim meeting after the regular  
2 session of the year in which the department is to be reviewed pursuant to the schedule set forth in  
3 subsection (b) of this section.

4 (b) An agency review shall be performed on one or more agencies under the purview of each  
5 department at least once every seven years, as follows:

6 ~~(1) 2013, the Department of Transportation;~~

7 ~~(2) 2014, the Department of Administration;~~

8 ~~(3) 2015, the Department of Education, including the Higher Education Policy Commission  
9 and the West Virginia Council for Community and Technical College Education;~~

10 ~~(4) 2016, the Department of Veterans' Assistance and the Department of Education and the  
11 Arts;~~

12 ~~(5) 2017, the Department of Revenue and the Department of Commerce;~~

13 ~~(6) 2018, the Department of Environmental Protection and the Department of Military Affairs  
14 and Public Safety;~~

15 ~~(7) 2019, the Department of Health and Human Resources, including the Bureau of Senior  
16 Services; and~~

17 ~~(8) 2020, the Department of Transportation.~~

18 (c) Beginning January 1, 2016, an agency review shall be performed on the following groups  
19 of agencies at least once every four years. The agency review shall be performed on the following  
20 four year cycle:

21 (1) 2016, the Department of Military Affairs and Public Safety, the Department of  
22 Agriculture, the House of Delegates, the Senate, and the Department of Environmental Protection;

1           (2) 2017, the Department of Education, the State Auditor’s Office, the State Treasurer’s  
2 Office, and the Secretary of State’s Office;

3           (3) 2018, the Department of Administration, the Department of Commerce, the Department  
4 of Education and the Arts, the Department of Revenue, and the Department of Veterans’ Assistance;

5           (4) 2019, the Department of Health and Human Resources, including the Bureau of Senior  
6 Services, the Department of Transportation, the Attorney General’s Office, and the Office of the  
7 Governor.”

NOTE: The purpose of this bill is to require agency review of certain groups of state agencies to be made on a four-year schedule.

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