

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### HOUSE BILL 2514

2015 Carryover

(BY DELEGATES WALTERS, HOWELL, ELLINGTON,  
CANTERBURY, R. SMITH, GEARHEART AND PERRY)

[Introduced January 13, 2016; referred to the  
Committee on Government Organization then  
Finance.]

FISCAL  
NOTE

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §4-10A-1, §4-10A-2 and §4-10A-3, all relating to creating a Bureau of  
 3 Actuarial Services within the office of the Legislative Auditor to provide independent  
 4 actuarial services for all departments, agencies or institutions of state government of West  
 5 Virginia, in accordance with generally accepted government auditing standards; and  
 6 transferring responsibility of providing the various actuarial service required by state  
 7 agencies from those agencies to the Legislative Auditor.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §4-10A-1, §4-10A-2 and §4-10A-3, all to read as follows:

**ARTICLE 10A. BUREAU OF ACTUARIAL SERVICES.**

**§4-10A-1. Declaration of legislative policy.**

1 The Legislature hereby declares it to be the policy of the state, and its political  
 2 subdivisions, to procure actuarial services on the basis of demonstrated competence and  
 3 qualification for the type of professional services required in order to reduce expenditures and  
 4 promote economy to the fullest extent consistent with the efficient operation of state government;  
 5 eliminate duplication of effort; and provide for appropriate legislative oversight as mandated in the  
 6 Constitution of this state. In order to accomplish this policy, it is necessary to create a bureau of  
 7 actuarial services which is responsible for providing actuarial services to every agency of this  
 8 state and to assume that responsibility by having all of the actuarial services now provided to  
 9 those agencies transferred to the bureau of actuarial services created by this article.

**§4-10A-2. DEFINITIONS.**

1 As used in this section:

2        (a) "Actuary" means a person who is a member in good standing of the American  
3 academy of actuaries.

4        (b) The term "actuarial services" includes those professional services of an actuarial  
5 nature as well as incidental services that members of those professions and those in their employ  
6 may logically or justifiably perform.

7        (c) The term "agency" means all departments, agencies or institutions of State  
8 Government of West Virginia.

9        (d) The term "bureau of actuarial services" or "bureau" means the actuarial services  
10 provided by the Legislative Auditor.

11        (e) The term "firm" or "professional firm" means any individual, firm, partnership,  
12 corporation, association or other legal entity permitted by law to practice the profession of  
13 actuarial services.

**§4-10A-3. Creation of Bureau of Actuarial Services; transfer of responsibility for actuarial**  
**services to Legislative Auditor.**

1        (a) Notwithstanding any other provision of this code to the contrary, there is hereby  
2 transferred the responsibility of providing the various actuarial service required by state agencies  
3 as defined by this article to the office of Legislative Auditor effective July 1, 2015. No department,  
4 agency or institution of state government may provide or contract for actuarial services except in  
5 accordance with the provisions of this article.

6        (b) There is hereby created, within the officer of the Legislative Auditor, the Bureau of  
7 Actuarial Services, with the power and authority to provide actuarial services for the various  
8 agencies of this state as defined in this article. The Legislative Auditor may employ, or in  
9 accordance with the provisions of law applicable, contract for personal, professional or actuarial  
10 consulting services or retain the services of a qualified competent actuary to perform those

11 services which require application of the actuarial science by a qualified, independent actuary or  
12 actuarial firm as may be necessary for the efficient discharge of the responsibility created and  
13 conferred by this article. The actuarial services provided by the bureau shall be in accordance  
14 with generally accepted government auditing standards (GAGAS) as promulgated by the U.S.  
15 Government Accountability Office, and specifically in accordance with the independence  
16 requirements of those standards.

NOTE: The purpose of this bill is to create a Bureau of Actuarial Services within the office of the Legislative Auditor to provide independent actuarial services for all departments, agencies or institutions of State Government of West Virginia, in accordance with generally accepted government auditing standards and transferring responsibility of providing the various actuarial service required by state agencies from those agencies to the Legislative Auditor.

This article is new; therefore, it has been completely underscored.