# WEST VIRGINIA CODE: §11B-2-31

**§11B-2-31. Effectuation of transfer of budget section and transition.**

To effectuate the transfer of the budget section of the Finance Division, Department of Administration to the Department of Revenue upon the effective date of this section in the year 2004:

(1) All employees, records, responsibilities, obligations, assets and property, of whatever kind and character, of the budget section, Finance Division of the Department of Administration are hereby transferred to the state budget office of the Department of Revenue beginning the effective date of this section in the year 2004.

(2) The unencumbered balances of all funds allocated to the budget section of the Division of Finance for fiscal years ending June 30, 2004, and the fiscal year ending June 30, 2005, are hereby transferred to the state budget office of the Department of Revenue on the effective date of this section in the year 2004.

(3) All orders, determinations, rules, permits, grants, contracts, certificates, licenses, waivers, bonds, authorizations and privileges which have been issued, made, granted or allowed to become effective by the Governor, any state department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which have been transferred to the secretary of the Department of Revenue or to the Department of Revenue, and were in effect on the date the transfer occurred continue in effect, for the benefit of the department, according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the Governor, the secretary of revenue, or other authorized official, a court of competent jurisdiction or by operation of law.

(4) Any proceedings, including, but not limited to, notices of proposed rulemaking, in which the budget section, Finance Division of the Department of Administration was an initiating or responding party are not affected by the transfer of the budget section to the Department of Revenue. Orders issued in any proceedings continue in effect until modified, terminated, superseded or revoked by the Governor, the secretary of revenue, by a court of competent jurisdiction or by operation of law. Nothing in this subdivision prohibits the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that a proceeding could have been discontinued or modified if the division had not been transferred to the Department of Revenue. Transfer of the budget section of the Finance Division does not affect suits commenced prior to the effective date of the transfer and all such suits and proceedings shall be had, appeals taken and judgments rendered in the same manner and with like effect as if the transfer had not occurred, except that the secretary of the Department of Revenue or other officer may, in an appropriate case, be substituted or added as a party.

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