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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4851

(By Delegate *S. J. Martin, Varnus, Love,
Nesbitt, Stalnaker, Osborne and Harrison*)



Passed March 9, 1996

In Effect July 1, 1996 Passage

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OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARY OF STATE

ENROLLED

H. B. 4851

(BY DELEGATES J. MARTIN, VARNER, LOVE, NESBITT,
STALNAKER, OSBORNE AND HARRISON)

[Passed March 9, 1996; in effect July 1, 1996.]

AN ACT to amend and reenact sections two, five and nine, article two, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section three-c, article three of said chapter; and to amend and reenact article ten of said chapter, all relating to the West Virginia sunset law; providing employees conducting full performance evaluations and preliminary performance reviews the same work space allocations as other employees of the office of the legislative auditor; revising terms agency, full performance evaluation and preliminary performance review; deleting references to financial audits; changing termination dates for agencies scheduled for full performance evaluations and preliminary performance reviews; modifying composition of joint committee on government operations; requiring information to be furnished in requested format; deleting prohibition of legislation affecting more than one agency; and making technical corrections.

Be it enacted by the Legislature of West Virginia:

That sections two, five and nine, article two, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section three-c, article three of said chapter be amended and reenacted; and that article ten of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 2. LEGISLATIVE AUDITOR; POWERS; FUNCTIONS;
DUTIES; COMPENSATION.**

§4-2-2. Definitions.

1 For the purposes of this article: "Committee" means
2 the joint committee on government and finance of the
3 Senate and House of Delegates.

4 "Full performance evaluation" means to determine for
5 an agency whether or not the agency is operating in an
6 efficient and effective manner and to determine whether
7 or not there is a demonstrable need for the continuation of
8 the agency, pursuant to the provisions of section ten, arti-
9 cle ten of this chapter.

10 "Post audit" is the audit or review of governmental
11 finances after they have been completed. The scope of a
12 post audit includes audit or review of transactions pertain-
13 ing to the financial operations of the various agencies of
14 government on the state level, with verification of state
15 revenues at the source and audit of expenditures all the
16 way through the work to the recipient or beneficiary of
17 the service.

18 "Preliminary performance review" means to determine
19 for an agency whether or not the agency is performing in
20 an efficient and effective manner and to determine wheth-
21 er or not there is a demonstrable need for the continuation
22 of the agency pursuant to the provisions of section eleven,
23 article ten of this chapter.

24 "Spending unit" means any department, agency, board,
25 commission, officer, authority, subdivision or institution of
26 the state government for or to which an appropriation has
27 been made, or is to be made by the Legislature.

§4-2-5. Powers of auditor.

1 The legislative auditor shall have the power and au-
2 thority to examine the revenues, expenditures and perfor-
3 mance of every spending unit of the state government and

4 for these purposes shall have the authority, by such means
 5 as are necessary, to require any person holding office in
 6 the state government or employed by the state, to allow
 7 him to inspect the properties, equipment, facilities and
 8 records of the various agencies, departments, subdivisions
 9 or institutions of the state government for which appropri-
 10 ations are to be made or have been made, either before or
 11 after estimates therefor are submitted, and before, during
 12 and after the sessions of the Legislature. Refusal of any
 13 person to allow such inspection shall be reported by the
 14 legislative auditor to the committee.

§4-2-9. Offices; working space.

1 The office of the legislative auditor shall be located at
 2 the state capitol and shall be open at all reasonable times
 3 for the transaction of business.

4 All state departments, institutions or other agencies of
 5 the state government shall provide necessary comfortable
 6 space for the purpose of occupancy by employees of the
 7 office of the legislative auditor conducting post audits, full
 8 performance evaluations or preliminary performance
 9 reviews in the various departments, institutions or other
 10 agencies of the state, located conveniently at the state capi-
 11 tol and at the several institutions or other agencies
 12 throughout the state.

**ARTICLE 3. JOINT COMMITTEE ON GOVERNMENT AND FI-
 NANCE.**

§4-3-3c. Reorganization of joint legislative agencies.

1 (a) The joint committee on government and finance
 2 has the authority over and direction of joint legislative
 3 agencies, personnel and services, including, but not limited
 4 to, the following:

5 (1) The commission on special investigations provided
 6 for in article five, chapter four of this code;

7 (2) The court of claims provided for in article two and

8 crime victims compensation provided for in article two-a,
9 chapter fourteen of this code;

10 (3) The legislative auditor provided for in article two,
11 chapter four of this code;

12 (4) The legislative rule-making review committee
13 provided for in article three, chapter twenty-nine-a of this
14 code;

15 (5) The legislative reference library provided for in
16 section three of this article;

17 (6) The legislative automated systems division;

18 (7) Legislative services;

19 (8) Public information; and

20 (9) Joint services provided by one or more of the joint
21 agencies set forth in this subsection. The following joint
22 services are included:

23 (A) Bill drafting;

24 (B) Budget analysis;

25 (C) Duplicating;

26 (D) Financial, payroll, personnel and purchasing for
27 joint agencies and personnel;

28 (E) Fiscal analysis;

29 (F) Post audits, full performance evaluations and pre-
30 liminary performance reviews;

31 (G) Research; and

32 (H) Joint services to other joint legislative committees
33 created and authorized by this code, to joint standing
34 committees of the Senate and House of Delegates, to
35 standing committees of the Senate and House of Delegates
36 and to legislative interim committees.

37 (b) Notwithstanding any other provision of this chap-
38 ter to the contrary, the joint committee on government and
39 finance has the authority to reorganize and restructure the
40 joint legislative agencies, personnel and services as provid-
41 ed in subsection (a) of this section for the purposes of
42 improving their efficiency and the service they provide to
43 the Legislature and to improve the management thereof
44 by the joint committee. To accomplish these purposes, the
45 joint committee may create divisions as it determines nec-
46 essary and transfer and assign the joint agencies, personnel
47 and services to the divisions. The divisions, joint agencies,
48 personnel and services shall operate under the direction
49 and policies of the joint committee: *Provided*, That noth-
50 ing in this section shall be construed to permit the joint
51 committee to alter or redefine the powers, duties and re-
52 sponsibilities vested in the commission on special investi-
53 gations pursuant to article five of this chapter.

ARTICLE 10. THE WEST VIRGINIA SUNSET LAW.

§4-10-1. Short title.

1 This article shall be known as and may be cited as the
2 "West Virginia Sunset Law."

§4-10-2. Legislative findings.

1 The Legislature finds that state governmental actions
2 have produced substantial increases in the number of
3 agencies and programs, proliferation of rules and regula-
4 tions, and that the agencies and programs often have
5 developed without sufficient legislative oversight, regulato-
6 ry accountability or an effective system of checks and
7 balances; that agencies and programs have been created
8 without demonstrable evidence that their benefits to the
9 public clearly justify their creation; that once established,
10 agencies and programs tend to acquire permanent status,
11 often without regard for the condition that gave rise to
12 their establishment; that the personnel of such agencies
13 and programs often are beyond the effective control of
14 elected officials, and efforts to encourage modernization

15 or even to review performance typically have proven
16 difficult at best; that too often, agencies and programs
17 acquire a combination of autonomy and authority incon-
18 sistent with democratic principles and acquire a capacity
19 for self-perpetuation incompatible with principles of ac-
20 countability; and that by establishing a system for the
21 termination, continuation or reestablishment of such agen-
22 cies and programs following a thorough review of their
23 operation and performance, the position of the Legislature
24 to evaluate the need for the continued existence of agen-
25 cies and programs will be enhanced.

§4-10-3. Definitions.

1 As used in this article, unless the context clearly indi-
2 cates a different meaning:

3 (1) "Agency" means any bureau, department, division,
4 commission, agency, committee, office, board, authority,
5 subdivision, program, council, advisory body, cabinet,
6 panel, system, task force, fund, compact, institution, survey,
7 position, coalition, or other entity, however designated, in
8 the state of West Virginia.

9 (2) "Committee" means the joint committee on gov-
10 ernment operations, hereinafter continued, to perform
11 duties under this article.

12 (3) "Full performance evaluation" means to determine
13 for an agency whether or not the agency is operating in an
14 efficient and effective manner and to determine whether
15 or not there is a demonstrable need for the continuation of
16 the agency, pursuant to the provisions of section ten of
17 this article. References in this code to performance audit
18 or full performance audit shall be taken as and shall mean
19 full performance evaluation.

20 (4) "Preliminary performance review" means to deter-
21 mine for an agency whether or not the agency is perform-
22 ing in an efficient and effective manner and to determine
23 whether or not there is a demonstrable need for the con-
24 tinuation of the agency pursuant to the provisions of sec-

25 tion eleven of this article.

§4-10-4. Termination of agencies following full performance evaluations.

1 The following agencies shall be terminated on the date
2 indicated, but no agency may be terminated under this
3 section unless a full performance evaluation has been
4 conducted upon such agency:

5 (1) On the first day of July, one thousand nine hun-
6 dred ninety-seven: Division of personnel; division of envi-
7 ronmental protection; division of rehabilitation services;
8 workers' compensation; office of judges of workers' com-
9 pensation; department of health and human resources;
10 school building authority; tourism functions within the
11 West Virginia development office; purchasing division
12 within the department of administration; West Virginia
13 parkways, economic development and tourism authority;
14 division of culture and history.

15 (2) On the first day of July, two thousand one: Divi-
16 sion of natural resources.

17 (3) On the first day of July, two thousand: Division of
18 corrections.

19 (4) On the first day of July, two thousand two: Divi-
20 sion of highways; division of labor.

§4-10-5. Termination of agencies following preliminary performance reviews.

1 The following agencies shall be terminated on the
2 date indicated, but no agency may be terminated under
3 this section unless a preliminary performance review has
4 been conducted upon such agency:

5 (1) On the first day of July, one thousand nine hun-
6 dred ninety-six: Juvenile facilities review panel.

7 (2) On the first day of July, one thousand nine hun-
8 dred ninety-seven: Board of investments; state building

9 commission; parks section and parks functions of the
10 division of natural resources; emergency medical services
11 advisory council; office of water resources of the division
12 of environmental protection; West Virginia state police;
13 office of environmental advocate of the division of envi-
14 ronmental protection; human rights commission; board of
15 examiners in counseling; driver's licensing advisory board;
16 West Virginia health care cost review authority; governor's
17 cabinet on children and families; oil and gas conservation
18 commission; child support enforcement division; West
19 Virginia commission for national and community service;
20 West Virginia contractors' licensing board; cable television
21 advisory board; public employees insurance agency advi-
22 sory board.

23 (3) On the first day of July, one thousand nine hun-
24 dred ninety-eight: Women's commission; state lottery
25 commission; meat inspection program of the department
26 of agriculture; soil conservation committee of the depart-
27 ment of agriculture; state board of risk and insurance
28 management; board of examiners of land surveyors; com-
29 mission on uniform state laws; council of finance and
30 administration; West Virginia's membership in the inter-
31 state commission on the Potomac River Basin; legislative
32 oversight commission on education accountability; forest
33 management review commission; family law masters sys-
34 tem; board of examiners in speech pathology and audiol-
35 ogy; board of social work examiners.

36 (4) On the first day of July, one thousand nine hun-
37 dred ninety-nine: Public service commission; tree fruit
38 industry self improvement assessment program; capitol
39 building commission; board of banking and financial
40 institutions.

41 (5) On the first day of July, two thousand: Family
42 protection services board; environmental quality board;
43 West Virginia's membership in the Ohio river valley water
44 sanitation commission; ethics commission; oil and gas
45 inspector's examining board; veterans' council; West Vir-
46 ginia's membership in the southern regional education

47 board.

48 (6) On the first day of July, two thousand one: Real
 49 estate commission; marketing and development division of
 50 the department of agriculture; board of architects; public
 51 employees insurance agency; public employees insurance
 52 agency finance board; center for professional develop-
 53 ment; rural health advisory panel.

54 (7) On the first day of July, two thousand two:
 55 Whitewater commission within the division of natural re-
 56 sources; state geological and economic survey; unemploy-
 57 ment compensation.

§4-10-6. Continuation of agency after termination and purpose therefor; continuation of powers and authority after termination; cessation of activities; reestablishment of terminated agency.

1 Upon termination, each agency shall continue in exist-
 2 tence until the first day of July of the next succeeding
 3 year for the purpose of winding up its affairs. During that
 4 year, the impending termination may not reduce nor oth-
 5 erwise limit the powers or authority of that terminated
 6 agency. Any funds for the agency shall revert to the fund
 7 from which they were appropriated or, if that fund is abol-
 8 ished, to the General Revenue Fund. Upon the expiration
 9 of one year after termination, the agency shall cease all
 10 activities: *Provided*, That an agency that has been termi-
 11 nated pursuant to the provisions of this article may be
 12 reestablished by the Legislature, and if reestablished by
 13 the Legislature during the winding-up period with sub-
 14 stantially the same powers, duties, or functions, the agency
 15 shall be deemed to have been continued.

§4-10-7. Continuation or reestablishment of agencies scheduled for termination may not exceed six years; acts creating new agencies shall provide termination language.

1 The life of any agency, scheduled for termination
 2 under this section may be continued or reestablished by

3 the Legislature for a period of time not to exceed six
4 years.

5 Any act that creates a new agency and is enacted after
6 the effective date of this article shall provide for termina-
7 tion and review of the newly-created agency pursuant to
8 this article within six years after the effective date of the
9 act that creates the agency.

**§4-10-8. Joint committee on government operations contin-
ued; membership; compensation and expenses;
meetings.**

1 The joint committee on government operations, here-
2 tofore created, is hereby continued. The committee shall
3 be composed of five members of the Senate, to be ap-
4 pointed by the president thereof, no more than three of
5 whom shall be appointed from the same political party;
6 five members of the House of Delegates, to be appointed
7 by the speaker thereof, no more than three of whom shall
8 be appointed from the same political party: *Provided*,
9 That in the event the membership of a political party is
10 less than fifteen percent in the House of Delegates or Sen-
11 ate, that the membership of that political party from the
12 legislative house with less than fifteen percent membership
13 may be one from that house; and five citizens of this state
14 who are not legislators, public officials or public employ-
15 ees, to be appointed by and to serve at the will and plea-
16 sure of the governor, not more than three of whom shall
17 be appointed from the same political party, and at least
18 one of whom shall reside in each congressional district of
19 this state: *Provided*, That on the thirty-first day of March,
20 one thousand nine hundred ninety-seven, the terms of the
21 five current citizen members of the committee appointed
22 under prior enactment of this section shall terminate, but
23 all of those members shall be eligible for reappointment.
24 On the first day of April, one thousand nine hundred
25 ninety-seven, the governor shall make five new appoint-
26 ments. Of the five members appointed following enact-
27 ment of this section, four shall be citizens of this state who
28 are not legislators nor public officials and one shall be an

29 elected representative of a political subdivision. Not more
30 than three of those five members may be from the same
31 political party, and at least one shall reside in each con-
32 gressional district of this state. The committee shall be
33 headed by two cochairpersons, one to be selected by the
34 president of the Senate from the members appointed from
35 the Senate, and one to be selected by the speaker of the
36 House of Delegates from the members appointed from the
37 House of Delegates. All members of the committee shall
38 serve until their successors shall have been appointed as
39 heretofore provided. Members of the committee shall
40 receive such compensation and reimbursement for ex-
41 penses in connection with performance of interim duties
42 between regular sessions of the Legislature as may be
43 authorized by the citizens legislative compensation com-
44 mission established by section thirty-three, article six of
45 the constitution of West Virginia. Each member of the
46 committee who is not a legislative member shall receive
47 such compensation as the legislative interim members
48 receive, in addition to reimbursement for necessary ex-
49 penses incurred in the performance of duties under this
50 article, such reimbursement to be subject to the same limi-
51 tations as govern the expenses of the legislative members
52 of the committee. Compensation and expenses shall be
53 paid from an appropriation to be made expressly for the
54 committee, but if no such appropriation be made or the
55 total amount appropriated has been expended, such ex-
56 penses shall be paid from the appropriation under "Ac-
57 count No. 103 for Joint Expenses," but no expense of any
58 kind whatever payable under said Account No. 103 for
59 joint expenses shall be incurred unless first approved by
60 the joint committee on government and finance. The
61 committee shall meet upon call of the cochairpersons or
62 either of them and may meet at any time, both during
63 sessions of the Legislature and in the interim.

**§4-10-9. Powers of the committee; access to records; informa-
tion to be furnished in requested format; failure of
witnesses to appear, testify or produce records;
public hearings; allowance of per diem and mile-**

**age for witnesses; hiring of necessary employees;
permitting committee to collect costs associated
with evaluations or reviews.**

1 To carry out the duties set forth in this article, the
2 committee, any duly authorized employee of the commit-
3 tee, or any employee of the office of the legislative auditor
4 working at the direction of the committee, shall have ac-
5 cess to any and all records of every agency in West Vir-
6 ginia. When furnishing information, agencies shall pro-
7 vide information in the format in which it is requested, if
8 the request is specific as to a preferred format.

9 In addition to its regular and special meetings, the
10 committee, or any employee duly authorized by the com-
11 mittee, is empowered to hold public hearings in further-
12 ance of the purposes of this article, at such times and plac-
13 es within the state as may be deemed desirable, and any
14 member of the committee shall have the power to adminis-
15 ter oaths to persons testifying at such hearings or meet-
16 ings.

17 By subpoena, issued over the signature of either
18 cochairpersons of the committee and served in the manner
19 provided by law, the committee may summon and compel
20 the attendance of witnesses and their examination under
21 oath and the production of all books, papers, documents
22 and records necessary or convenient to be examined and
23 used by the committee in the performance of its duties. If
24 any witness subpoenaed to appear at any hearing or meet-
25 ing shall refuse or fail to appear or to answer questions put
26 to him or her, or shall refuse or fail to produce books,
27 papers, documents, or records within his or her control
28 when the same are demanded, the committee, in its discre-
29 tion, may enforce obedience to its subpoena by attach-
30 ment, fine or imprisonment, as provided in section five,
31 article one of this chapter; or it may report the facts to the
32 circuit court of Kanawha County or any other court of
33 competent jurisdiction and such court shall compel obedi-
34 ence to the subpoena as though such subpoena had been
35 issued by such court in the first instance.

36 Witnesses subpoenaed to attend such hearings or meet-
37 ings, except officers or employees of the state, shall be
38 allowed the same mileage and per diem as is allowed wit-
39 nesses before any petit jury.

40 The joint committee on government operations, sub-
41 ject to the approval of the joint committee on government
42 and finance, may employ such persons, skilled in the field
43 of full performance evaluation, financial audit or prelimi-
44 nary performance review as it may deem necessary to
45 carry out its duties and responsibilities under this article,
46 and may contract for outside expertise in conducting
47 technical or specialized performance evaluations.

48 The joint committee on government operations may
49 collect, and the agency shall pay, any or all of the costs
50 associated with conducting the full performance evalua-
51 tions or preliminary performance reviews from the agen-
52 cy being audited or reviewed, when necessary and desir-
53 able. The joint committee on government operations shall
54 render to the agency liable for the costs a statement there-
55 of as soon after the same were incurred as practicable, and
56 it shall be the duty of such agency to pay promptly in the
57 manner that other claims and accounts are paid. All mon-
58 ey received by the joint committee on government opera-
59 tions from this source shall be expended only for the
60 purpose of covering the costs associated with such services,
61 unless otherwise directed by the Legislature.

**§4-10-10. Full performance evaluations of agencies by the
committee.**

1 It shall be the duty of the committee to conduct a full
2 performance evaluation in accordance with generally
3 accepted government auditing standards as promulgated
4 by the federal general accounting office of every agency
5 scheduled for termination following full performance
6 evaluations under this article to ascertain if there is a de-
7 monstrable need for the continuation of the agency and if
8 the agency should be continued.

9 In conducting full performance evaluations, the com-
10 mittee may determine the following:

11 (1) If the agency was created to resolve a problem or
12 provide a service.

13 (2) If the problem has been solved or the service has
14 been provided.

15 (3) The extent to which past agency activities and
16 accomplishments, current projects and operations, and
17 planned activities and goals for the future are or have been
18 effective.

19 (4) If the agency is operating efficiently and effec-
20 tively in performing its task.

21 (5) The extent to which there would be significant and
22 discernible adverse effects on the public health, safety, or
23 welfare if the agency were abolished.

24 (6) If the conditions that led to the creation of the
25 agency have changed.

26 (7) The extent to which the agency operates in the
27 public interest.

28 (8) Whether or not the operation of the agency is
29 impeded or enhanced by existing statutes, rules, proce-
30 dures, practices or any other circumstances bearing upon
31 the agency's capacity or authority to operate in the public
32 interest, including budgetary, resource and personnel
33 matters.

34 (9) The extent to which administrative and/or statutory
35 changes are necessary to improve agency operations or to
36 enhance the public interest.

37 (10) Whether or not the benefits derived from the
38 activities of the agency outweigh the costs.

39 (11) Whether or not the activities of the agency dupli-
40 cate or overlap with those of other agencies, and if so, how

41 these activities could be consolidated.

42 (12) Whether or not the agency causes an unnecessary
43 burden on any citizen or other agency by its decisions and
44 activities.

45 (13) What the impact will be in terms of federal inter-
46 vention or loss of federal funds if the agency is abolished.

47 The committee may direct that the full performance
48 evaluation focus on a specific area of operation within the
49 agency, and may direct further inquiry, when necessary
50 and desirable, into other areas of concern, including, but
51 not limited to:

52 (1) The economic impact resulting from the functions
53 of the agency.

54 (2) The extent to which complaint, investigation, and/
55 or disciplinary procedures of the agency adequately pro-
56 tect the public, and whether or not final dispositions of
57 complaints serve the public interest.

58 (3) The extent to which the agency issues and enforc-
59 es rules relating to the potential conflicts of interest of its
60 employees.

61 (4) Whether or not the agency is in compliance with
62 federal and state affirmative action requirements.

63 (5) Whether or not the agency encourages participa-
64 tion by the public in the decision making process.

**§4-10-11. Preliminary performance reviews of agencies by the
committee.**

1 It shall be the duty of the committee to conduct a
2 preliminary performance review of every agency sched-
3 uled for termination following preliminary performance
4 reviews under this article. In conducting such preliminary
5 performance reviews, the committee shall determine the
6 following:

7 (1) If the agency was created to solve a problem or
8 provide a service.

9 (2) If the problem has been solved or the service has
10 been provided.

11 (3) The extent to which past agency activities and
12 accomplishments, current projects and operations, and
13 planned activities and goals for the future are or have been
14 effective.

15 (4) The extent to which there would be significant and
16 discernible adverse effects on the public health, safety, or
17 welfare if the agency were abolished.

18 (5) Whether or not the agency operates in a sound
19 fiscal manner.

20 (6) Whether or not the conducting of a full perfor-
21 mance evaluation on the agency is in the public interest.

22 The committee may direct that the focus of the pre-
23 liminary performance review be on a specific area of op-
24 eration and may direct further inquiry, when necessary
25 and desirable.

§4-10-12. Annual report by the committee.

1 The committee shall complete its deliberations with
2 respect to agencies scheduled for termination and make
3 an annual report thereon to the Legislature not later than
4 ten days after the Legislature convenes in regular session
5 in the year of the scheduled termination for the agency:
6 *Provided*, That any such annual report required in the
7 year one thousand nine hundred ninety-seven, and every
8 fourth year thereafter shall be made not later than ten days
9 after the Legislature convenes on the second Wednesday
10 in February. The annual report shall consist of an analysis
11 of the agency including matters as are expressly mandat-
12 ed to be considered by the committee as set forth in this
13 article, together with the recommendations of the commit-
14 tee. The committee shall make one of five recommenda-

15 tions: (1) The agency be terminated as scheduled; (2) the
16 agency be continued and reestablished; (3) the agency
17 be continued and reestablished, but the statutes governing
18 it be amended in specific ways to correct ineffective or
19 discriminatory practices and procedures, burdensome
20 rules and regulations, lack of protection of the public
21 interest, overlapping of jurisdiction with other agencies,
22 unwarranted exercise of authority either in law or in fact
23 or any other deficiencies; (4) a full performance evalua-
24 tion be performed on an agency on which a preliminary
25 review has been completed; or (5) the agency be contin-
26 ued for a period of time not to exceed one year for the
27 purpose of completing a full performance evaluation,
28 preliminary performance review, or for monitoring the
29 agency's compliance with recommendations contained in
30 the completed full performance evaluation or preliminary
31 performance review.

32 In the event the committee makes recommendations
33 concerning the continuation or reestablishment of agen-
34 cies pursuant to this article, the annual report shall include
35 draft bills effectuating the recommendations.

36 Copies of the annual reports shall be made available to
37 all members of the Legislature, to the agency that is the
38 subject of the report and to the public generally. A copy
39 of the annual report shall be formally filed immediately
40 by the committee with the clerk of each house.

§4-10-13. Preservation of rights and claims.

1 Nothing in this article may be construed as adversely
2 affecting any right or claim by any person against an
3 agency or by any agency against any person. Responsi-
4 bility for prosecuting or defending any such rights or
5 claims should the Legislature fail to continue and reestab-
6 lish an agency within one year after its termination shall
7 be assumed by the attorney general of the state.

§4-10-14. Article not to be construed as limiting new legisla- tion.

1 Nothing in this article may be construed as limiting or
2 interfering with the right of any member of the Legisla-
3 ture to introduce or of the Legislature to consider any bill
4 that would create a new agency or to amend the law with
5 respect to an existing one.

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

Rory Schovoner
Chairman Senate Committee

Rudy Deacon
Chairman House Committee

Originating in the House.

Takes effect July 1, 1996.

Russell E. Adams
Clerk of the Senate

Gregory M. King
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

Robert C. Byrd
Speaker of the House of Delegates

The within *is appended* this the *1st*
day of *April*, 1996.

Winston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/96

Time 10:15 AM