WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 774

(By Senator WOOTON, et al.)

PASSED March 13, 1998
In Effect 90 days from Passage
ENROLLED

Senate Bill No. 774

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, FANNING, HUNTER, OLIVERIO, ROSS, SCHOONOVER, SNYDER, WHITE AND SCOTT)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend article one, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to requiring state agencies to supply certain information to the Legislature regarding federally mandated statutory changes; information required; and penalty.

Be it enacted by the Legislature of West Virginia:

That article one, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:
ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-10. Required information regarding federally mandated changes in state law; penalty.

(a) Notwithstanding any provision of this code to the contrary, any agency of this state seeking a change in state law based upon a purported need to be in compliance with federal law shall, prior to the fifteenth day of the legislative session in which the statutory change or changes are sought, provide in writing to the president of the Senate and speaker of the House of Delegates a written request for the statutory changes.

(b) The request referred to in subsection (a) of this section shall include or be accompanied by:

1. A complete statement of any federal moneys which would be lost by failure to comply along with documentation supporting the amount set forth;

2. A copy of the specific federal law requiring said change;

3. A copy of the specific provision of the code of federal regulations or federal register mandating the change in state law;

4. Where possible, correspondence from the federal agency charged with enforcing or approving state compliance with such federal law or regulation setting forth the necessary changes;

5. A statement of any exemptions or exceptions available which would allow the state not to comply with the federal law;

6. A detailed fiscal note; and

7. Where compliance with the requirement in subsection (a) of this section that the documents and request be provided is not met, a written explanation setting forth the reasons for the failure to comply.
(c) Negligent or willful failure to comply with the provisions of this section shall constitute grounds for discharge for the person or persons charged as part of his or her employment with compliance with this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 15th day of April, 1968.

Governor