

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2510

BY DELEGATES HOWELL, PACK, HOTT, HAMRICK, DEAN,
GRAVES, ELLINGTON, LINVILLE, HIGGINBOTHAM, BUTLER
AND KESSINGER

[Introduced January 18, 2019; Referred
to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating
2 to special funds of boards of examination or registration; requiring notice by Treasurer to
3 Legislative Auditor of certain transfers; requiring review of the fee structure of board by
4 Legislative Auditor under certain circumstances; and requiring report to Joint Standing
5 Committee on Government Organization.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

§30-1-10. Disposition of money fines; legislative audit; review of board's fee structure.

1 (a) The secretary of every board referred to in this chapter shall receive and account for
2 all money which it derives pursuant to the provisions of this chapter which are applicable to it.
3 With the exception of money received as fines, each board shall pay all money which is collected
4 into a separate special fund of the State Treasury which has been established for each board.
5 This money shall be used exclusively by each board for purposes of administration and
6 enforcement of its duties pursuant to this chapter. Any money received as fines shall be deposited
7 into the General Revenue Fund of the State Treasury. When the special fund of any board
8 accumulates to an amount which exceeds twice the annual budget of the board or \$10,000,
9 whichever is greater, the State Treasurer shall:

10 (1) Transfer the excess amount ~~shall be transferred by the State Treasurer~~ to the state
11 General Revenue Fund; and

12 (2) Notify the Legislative Auditor that the transfer has been made.

13 (b) (1) Every licensing board which is authorized by the provisions of this chapter shall be
14 subject to audit by the office of the Legislative Auditor.

15 (2) Within a reasonable time after the State Treasurer notifies the Legislative Auditor of a
16 transfer required to be made under this section, the Legislative Auditor shall conduct a review of

17 the fee structure of the applicable board to determine if the amount of the board's fees generate
18 excessive revenue, when compared to the board's normal expenses. If the Legislative Auditor
19 finds that excess revenue is generated, he or she shall report his or her findings to the
20 Legislature's Joint Standing Committee on Government Organization, along with
21 recommendations on how the fees can be adjusted to generate only the amount the board
22 reasonably needs to operate under this chapter.

NOTE: The purpose of this bill is to require the Legislative Auditor to conduct review of the fee structure of a specific board of examination or registration when its special fund exceeds twice its annual budget or \$10,000, whichever is greater. It also requires the Legislative Auditor to report to the Joint Standing Committee on Government Organization.

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