

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 248

BY SENATOR WOODRUM

[Originating in the Committee on Finance; reported on

January 25, 2023]

1 A BILL to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating
2 to when excess funds accumulated by boards are to be transferred to the General
3 Revenue Fund of the State Treasury; providing for an alternative to the excess funds
4 transfer; and providing for rulemaking.

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 end-of-year cash balance of any
8 special fund of any board accumulates to an amount which exceeds ~~twice the annual budget of~~
9 ~~the board or \$10,000, whichever is greater~~ the sum of twice the board's total current actual
10 expenditures for the last fiscal year, the State Treasurer shall:

11 (1) Transfer the excess amount to the state General Revenue Fund: Provided, That the
12 maximum amount that may be transferred from the board in any fiscal year may not exceed
13 \$200,000; and

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

15 (b) The transfer authorized in subsection (a)(1) of this section is not necessary if a board
16 reduces any fees or dues associated with membership on the board, licensure by the board, or
17 administration of the board by 50 percent of the current fee schedule if such fee or fees are set

18 forth in legislative rule filed pursuant to §29A-3-1 et seq. of this code. Any such reduction shall be
19 accomplished by the filing of an emergency rule pursuant to the provisions of §29A-3-15 of this
20 code. Such rules shall have language clearly indicating a 50 percent reduction in membership,
21 licensure, and administrative fees. The provisions of this subsection are not applicable to any
22 board whose fees are set forth in statute.

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

25 (2) Within a reasonable time after the State Treasurer notifies the Legislative Auditor of a
26 transfer required to be made under this section, the Legislative Auditor shall conduct a review of
27 the fee structure of the applicable board to determine if the amount of the board's fees generate
28 excessive revenue, when compared to the board's normal expenses. If the Legislative Auditor
29 finds that excess revenue is generated, he or she shall report his or her findings to the
30 Legislature's Joint Standing Committee on Government Organization, along with
31 recommendations on how the fees can be adjusted to generate only the amount the board
32 reasonably needs to operate under this chapter.