

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 433**

By Senator Woodrum

[Introduced January 12, 2024; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, relating to  
 2 special revenue fund; removing prohibition against moneys in fund reverting to General  
 3 Revenue Fund; and clarifying disposition of fines collected by board.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

**§30-7-4. Organization and meetings of board; quorum; powers and duties generally; executive secretary; funds.**

1 (a) The board has all the powers and duties set forth in this article, in §30-1-1 *et seq.* of this  
 2 code and elsewhere in law, including the ability to:

- 3 (1) Hold meetings;
- 4 (2) Establish procedures for submitting, approving, and rejecting applications for a license  
 5 and permit;
- 6 (3) Determine the qualifications of an applicant for a license and permit;
- 7 (4) Establish the fees charged under the provisions of this article;
- 8 (5) Issue, renew, restrict, deny, suspend, revoke, or reinstate a license and permit;
- 9 (6) Prepare, conduct, administer, and grade written, oral, or written and oral examinations  
 10 for a license;
- 11 (7) Contract with third parties to administer the examinations required under the provisions  
 12 of this article;
- 13 (8) Maintain records of the examinations the board, or a third party, administers, including  
 14 the number of persons taking the examination and the pass and fail rate;
- 15 (9) Maintain an office and hire, discharge, establish the job requirements, and fix the  
 16 compensation of employees, and contract with persons necessary to enforce the provisions of this  
 17 article;
- 18 (10) Employ investigators, attorneys, hearing examiners, consultants, and other  
 19 employees as may be necessary who are exempt from the classified service and who serve at the

20 will and pleasure of the board;

21 (11) Delegate hiring of employees to the executive director;

22 (12) Investigate alleged violations of the provisions of this article and legislative rules,  
23 orders, and final decisions of the board;

24 (13) Conduct disciplinary hearings of persons regulated by the board;

25 (14) Determine disciplinary action and issue orders;

26 (15) Institute appropriate legal action for the enforcement of the provisions of this article;

27 (16) Maintain an accurate registry of names and addresses of all persons regulated by the  
28 board;

29 (17) Keep accurate and complete records of its proceedings, and certify the same as may  
30 be necessary and appropriate;

31 (18) ~~Public~~ Publish meeting minutes to its website within 14 days of a meeting;

32 (19) Propose rules in accordance with ~~the provisions of §29A-3-1 et seq.~~ of this code to  
33 implement the provisions of this article;

34 (20) Sue and be sued in its official name as an agency of this state;

35 (21) Approve a nursing school;

36 (22) Establish a nurse health program;

37 (23) Implement the provisions of the enhanced nurse licensure compact in accordance  
38 with §30-7B-1 et seq. of this code;

39 (24) Coordinate with and assist the Center for Nursing in accordance with §30-7B-1 et seq.  
40 of this code; and

41 (25) Confer with the Attorney General or his or her assistant in connection with legal  
42 matters and questions.

43 (b) All fees and other moneys, except fines, collected by the board pursuant to the  
44 provisions of this article shall be kept in a ~~separate fund~~ special revenue fund in the State Treasury  
45 and expended solely for the purpose of this article. ~~No part of this special fund shall revert to the~~

46 ~~General Funds of this state~~ The compensation provided by this article and all expenses incurred  
47 under this article shall be paid from this special fund. No compensation or expense incurred under  
48 this article ~~shall~~ may be a charge against the General Funds of this state. The board shall deposit  
49 any amounts received as administrative fines imposed pursuant to this article into the General  
50 Revenue Fund of the State Treasury.

NOTE: The purpose of this bill is to remove the prohibition against monies in the board's special revenue fund reverting to the General Revenue Fund of the State Treasury and to clarify that any fines the board collects are to be deposited into the General Revenue Fund of the State Treasury.

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