

1 **H. B. 2208**

2  
3 (By Delegate Talbott)

4 [Introduced January 12, 2011; referred to the  
5 Committee on Political Subdivisions then Finance.]

6 **FISCAL**  
7 **NOTE**

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10 A BILL to amend and reenact §6-9-8 of the Code of West Virginia,  
11 1931, as amended, relating to reducing the cost of services  
12 provided by the chief inspector to be charged to a Class IV  
13 municipality and specifying the charge is for cost of the  
14 service.

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

16 That §6-9-8 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.**

19 **§6-9-8. Payment of cost of services of chief inspector; revolving**  
20 **fund.**

21 (a) The cost of any service or act performed by the chief  
22 inspector under the provisions of this article as to any county or  
23 district office, officer or institution shall be paid by the county

1 commission of the county; the cost of any service or act to any  
2 board of education shall be paid by the board; the cost of any  
3 service or act to any municipal corporation shall be paid by the  
4 authorities of the municipal corporation: *Provided*, That in  
5 municipalities in which the total revenue from all taxes does not  
6 exceed the sum of \$2,000 annually, the cost including the per diem  
7 and all actual costs and expenses of the services shall not exceed  
8 the sum of \$60. The cost of this service shall be the actual cost  
9 and expense of the service performed, ~~including transportation,~~  
10 ~~hotel, meals, materials, per diem compensation of deputies,~~  
11 ~~assistants, clerical help and the other costs that are necessary to~~  
12 ~~enable them to perform the services required,~~ but the costs shall  
13 not exceed the sum of \$2,000 for services rendered to a Class III  
14 ~~or~~ and the cost shall not exceed \$1,000 for a Class IV  
15 municipality: *Provided, however*, That the chief inspector may  
16 charge up to an additional \$2,000 for costs incurred for each  
17 service or act performed for a utility or park system owned by a  
18 Class III or Class IV municipality: *Provided further*, That if a  
19 municipality is required to undergo a single audit by the federal  
20 agency or agencies making a grant, the cost limitations of this  
21 subsection do not apply: *And provided further*, That the chief  
22 inspector shall provide a written quote for all costs in advance  
23 for all services required by this article. The chief inspector  
24 shall render to the agency liable for the cost a statement of the

1 cost as soon after the cost was incurred as practicable and the  
2 agency shall allow the cost and cause it to be paid promptly in the  
3 manner that other claims and accounts are allowed and paid and the  
4 total amount constitutes a debt against the local agency due the  
5 state. Whenever there is in the State Treasury a sum of money due  
6 any county commission, board of education or municipality from any  
7 source, upon the application of the chief inspector, the sum shall  
8 be at once applied on the debt against the county commission, board  
9 of education or municipality and the fact of the application of the  
10 fund shall be reported by the Auditor to the county commission,  
11 board of education or municipality, which report shall be a receipt  
12 for the amount named in the report. All money received by the  
13 chief inspector from this source shall be paid into the State  
14 Treasury, shall be deposited to the credit of an account to be  
15 known as Chief Inspector's Fund and shall be expended only for the  
16 purpose of covering the cost of the services, unless otherwise  
17 directed by the Legislature. The cost of any examination, service  
18 or act by the chief inspector made necessary, or the part thereof  
19 that was made necessary, by the willful fault of any officer or  
20 employee, may be recovered by the chief inspector from that person,  
21 on motion, on ten days' notice in any court having jurisdiction.

22       (b) For the purpose of permitting payments to be made at  
23 definite periods to deputy inspectors and assistants for per diem  
24 compensation and expenses, there is hereby created a revolving fund

1 for the chief inspector's office. The fund shall be accumulated  
2 and administered as follows:

3 (1) There shall be appropriated from the State General Revenue  
4 Fund the sum of \$25,000 to be transferred to this fund to create a  
5 revolving fund which, together with other payments into this fund  
6 as provided in this article, shall constitute a fund to defray the  
7 cost of this service;

8 (2) Payments received for the cost of services of the chief  
9 inspector's office and interest earned on the invested balance of  
10 the Chief Inspector's Revolving Fund shall be deposited into this  
11 revolving fund, which shall be known as the Chief Inspector's Fund;

12 (3) Any appropriations made to this fund may not be considered  
13 to have expired at the end of any fiscal period; and

14 (4) The chief inspector may transfer an amount not to exceed  
15 \$400,000 from the Chief Inspector's Fund to the special operating  
16 fund created in article four, chapter thirty-two of this code:

17 *Provided*, That any transfers shall be completed prior to July 1,  
18 2003.

NOTE: The purpose of this bill is to provide for actual costs to be paid for municipal audits and reduces the cap on audits to \$1,000 for Class IV municipalities.

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