

COMMITTEE SUBSTITUTE

FOR

**H. B. 2208**

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(BY DELEGATE TALBOTT)

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(Originating in the Committee on Finance)  
[February 18, 2011]

A BILL to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-6G-17 of said code, all relating to subsidizing the cost of services provided by the chief inspector to certain Class IV municipalities and specifying the charge is for cost of the service.

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

That §6-9-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §11-6G-17 of said code be amended and reenacted, all to read as follows:

**CHAPTER 6. GENERAL PROVISIONS  
RESPECTING OFFICERS.**

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

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

1 (a) The cost of any service or act performed by the chief  
2 inspector under the provisions of this article as to any county  
3 or district office, officer or institution shall be paid by the  
4 county commission of the county;

5 (b) The cost of any service or act to any board of  
6 education shall be paid by the board;

7 (c) (1) The cost of any service or act to any municipal  
8 corporation shall be paid by the authorities of the municipal  
9 corporation; ~~Provided, That in municipalities~~

10 (2) If a municipality, in which the total revenue from all  
11 taxes does not exceed the sum of \$2,000 annually, the cost  
12 including the per diem and all actual costs and expenses of  
13 the services shall not exceed the sum of \$60.

14 (d) (1) The cost of this service shall be the actual cost and  
15 expense of the service performed, including transportation,

16 hotel, meals, materials, per diem compensation of deputies,  
17 assistants, clerical help and the other costs that are necessary  
18 to enable them to perform the services required, but the costs  
19 shall not exceed the sum of \$2,000 for services rendered to  
20 a Class III or a Class IV municipality.

21 (2) A Class IV municipality with a total prior year  
22 general fund revenues of \$100,000 or less as certified by the  
23 State Auditor shall receive a subsidy for such service, as  
24 provided for in section seventeen, article six-g, chapter  
25 eleven of this code.

26 (e) ~~Provided, however, That the~~ The chief inspector may  
27 charge up to an additional \$2,000 for costs incurred for each  
28 service or act performed for a utility or park system owned  
29 by a Class III or Class IV municipality:

30 (f) ~~Provided further, That if~~ If a municipality is required  
31 to undergo a single audit by the federal agency or agencies  
32 making a grant, the cost limitations of this subsection do not  
33 apply:

34        (g) ~~And provided further, That the~~ The chief inspector  
35 shall provide a written quote for all costs in advance for all  
36 services required by this article. The chief inspector shall  
37 render to the agency liable for the cost a statement of the cost  
38 as soon after the cost was incurred as practicable and the  
39 agency shall allow the cost and cause it to be paid promptly  
40 in the manner that other claims and accounts are allowed and  
41 paid and the total amount constitutes a debt against the local  
42 agency due the state.

43        (h) Whenever there is in the State Treasury a sum of  
44 money due any county commission, board of education or  
45 municipality from any source, upon the application of the  
46 chief inspector, the sum shall be at once applied on the debt  
47 against the county commission, board of education or  
48 municipality and the fact of the application of the fund shall  
49 be reported by the Auditor to the county commission, board  
50 of education or municipality, which report shall be a receipt  
51 for the amount named in the report. All money received by  
52 the chief inspector from this source shall be paid into the

53 State Treasury, shall be deposited to the credit of an account  
54 to be known as Chief Inspector's Fund and shall be expended  
55 only for the purpose of covering the cost of the services,  
56 unless otherwise directed by the Legislature.

57 (i) The cost of any examination, service or act by the  
58 chief inspector made necessary, or the part thereof that was  
59 made necessary, by the willful fault of any officer or  
60 employee, may be recovered by the chief inspector from that  
61 person, on motion, on ten days' notice in any court having  
62 jurisdiction.

63 ~~(b)~~ (j) For the purpose of permitting payments to be made  
64 at definite periods to deputy inspectors and assistants for per  
65 diem compensation and expenses, there is ~~hereby created~~  
66 continued a revolving fund for the chief inspector's office.  
67 The fund shall be accumulated and administered to defray the  
68 costs of services provided pursuant to this article as follows:

69 ~~(1) There shall be appropriated from the State General~~  
70 ~~Revenue Fund the sum of \$25,000 to be transferred to this~~  
71 ~~fund to create a revolving fund which, together with other~~

72 ~~payments into this fund as provided in this article, shall~~  
73 ~~constitute a fund to defray the cost of this service;~~

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

79 (3) (2) Any appropriations made to this fund may not be  
80 considered to have expired at the end of any fiscal period;  
81 and .

82 ~~(4) The chief inspector may transfer an amount not to~~  
83 ~~exceed \$400,000 from the Chief Inspector's Fund to the~~  
84 ~~special operating fund created in article four, chapter thirty-~~  
85 ~~two of this code: *Provided*, That any transfers shall be~~  
86 ~~completed prior to July 1, 2003.~~

## CHAPTER 11. TAXATION.

### ARTICLE 6G. ASSESSMENT OF INTERSTATE PUBLIC SERVICE CORPORATION MOTOR VEHICLE BUSINESSES REGISTERED UNDER A PROPORTIONAL REGISTRATION AGREEMENT.

**§11-6G-17. Operating fund for interstate commerce disclosure division in auditor's office.**

1       (a) The auditor shall establish a special operating fund in  
2 the state treasury for the Interstate Commerce Disclosure  
3 Division in his or her office. The auditor shall pay into the  
4 fund two percent of the gross receipts of all moneys collected  
5 as provided for in this article. Up to one percent of the gross  
6 receipts shall be transferred to the public utilities tax loss  
7 restoration fund created in section twenty-seven, article six  
8 of this chapter. From the interstate commerce disclosure  
9 fund, the auditor shall reimburse ~~the tax division and the~~  
10 Division of Motor Vehicles for the actual operating expenses  
11 incurred in the performance of its duties required by this  
12 article. The reimbursements to the ~~tax division and~~ Division  
13 of Motor Vehicles from the fund ~~shall~~ may not exceed one  
14 third of one percent of the annual deposits to the fund ~~per~~  
15 ~~agency~~.

16       (b) Any moneys remaining in the special operating fund  
17 after reimbursement to ~~the Tax Division and~~ the Division of

18 Motor Vehicles shall be used by the auditor for funding the  
19 operation of the Interstate Commerce Disclosure Division  
20 located in his or her office, to subsidize \$1,000 of the cost of  
21 class IV municipal audits required in section eight, article  
22 nine, chapter six of this code for Class IV municipalities with  
23 a total prior year general fund revenues of \$100,000 or less  
24 as certified by the State Auditor pursuant to section twenty-  
25 six-a, article eight, chapter eleven of this code and to  
26 subsidize the cost of examination into special or unusual  
27 situations provided for in subsection (o), section seven,  
28 article nine, chapter six of this code.

29 (c) The Interstate Commerce Disclosure Division is  
30 ~~hereby granted authority and required to~~ shall share any and  
31 all information obtained by the division in the  
32 implementation of this article with the state auditor, tax  
33 commissioner and the commissioner of motor vehicles to  
34 effectuate the collection of taxes and fees under this article.  
35 The Commissioner of Motor Vehicles ~~is hereby authorized~~  
36 ~~and required to~~ shall share any and all information obtained



37 by the Division of Motor Vehicles in the implementation of  
38 this article. The Commissioner of Motor Vehicles will supply  
39 to the Interstate Commerce Disclosure Division the names of,  
40 location or locations of and amount or amounts paid by West  
41 Virginia owners or operators of interstate motor vehicles  
42 registered under the terms of any proportional registration  
43 agreement. The Tax Commissioner is ~~hereby authorized and~~  
44 ~~required to~~ shall share any and all information obtained by  
45 the Department of ~~tax and~~ Revenue. The State Auditor and  
46 the Interstate Commerce Disclosure Division is ~~hereby~~  
47 ~~authorized and required to~~ shall share any and all information  
48 obtained by the auditor or the division.