

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 392

SENATORS WELD AND CLEMENTS, *original sponsors*

[Originating in the Committee on Government

Organization; Reported on February 1, 2019]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15A-3-14a, relating to payment of certain claims received by the Division of
3 Corrections and Rehabilitation not otherwise specifically provided for in this article;
4 requiring audit of such claims by the division; providing procedure for payment of valid
5 audited claims from division funds; and authorizing payment of unaudited claims in certain
6 circumstances from division funds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-14a. Claims incurred for division's business not otherwise provided for.

1 Any claim for payment of a contractor, person, individual, partnership, firm, business,
2 corporation, or others, including claims for payment arising out of contracts of the division with
3 any other governmental agency of this state or of the federal government, not otherwise provided
4 for, that arises out of the claimant carrying on the division's business including, but not limited to,
5 performing labor or furnishing materials, services, commodities, or supplies to the division, or for
6 any purpose authorized pursuant to the provisions of this chapter, shall be audited by the division.
7 If the claim is found to be valid, the division shall issue the division's requisition upon the State
8 Auditor therefor, showing the nature of such claim and whether it is for labor performed or for
9 materials, services, commodities, or supplies furnished to the division, or for other purpose
10 authorized by this chapter, and the Auditor shall issue his warrant upon the State Treasurer
11 therefor, and the Treasurer shall pay the same to the person, individual, partnership, firm,
12 business, corporation, or others entitled thereto out of division funds. If an audit has not been
13 conducted, but division representatives designated by the commissioner have reviewed the claim
14 and determined the claim is fair, equitable, and manifestly to the advantage of the division, and
15 all parties have agreed to a settlement of the claim, the settlement and payment thereof out of
16 division funds shall be considered substantial compliance with the provisions of this section.

NOTE: The purpose of this bill is to require the Division of Corrections and Rehabilitation to review, audit, and pay claims submitted for contract work not otherwise specifically provided for in this article. The bill authorizes payment of unaudited claims in certain circumstances.

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