

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 432**

By Senator Woodrum

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

1 A BILL to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to  
 2 when funds accumulated by boards may be transferred to the General Revenue Fund of  
 3 the State Treasury; establishing method of calculating excess amount in board's special  
 4 fund; and limiting amount of money that may be transferred in a fiscal year.

*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 all  
 2 money which it derives pursuant to the provisions of this chapter which are applicable to it. With  
 3 the exception of money received as fines, each board shall pay all money which is collected into a  
 4 separate special fund of the State Treasury which has been established for each board. This  
 5 money shall be used exclusively by each board for purposes of administration and enforcement of  
 6 its duties pursuant to this chapter. Any money received as fines shall be deposited into the General  
 7 Revenue Fund of the State Treasury. When the end-of-year cash balance of any special fund of  
 8 any board accumulates to an amount which exceeds ~~twice the annual budget of the board or~~  
 9 ~~\$10,000, whichever is greater~~ the sum of the board's total revenues for the previous two fiscal  
 10 years, 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 any board's special fund in a single fiscal year may  
 13 not exceed \$200,000; and

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

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

17 (2) Within a reasonable time after the State Treasurer notifies the Legislative Auditor of a

18 transfer required to be made under this section, the Legislative Auditor shall conduct a review of  
19 the fee structure of the applicable board to determine if the amount of the board's fees generate  
20 excessive revenue, when compared to the board's normal expenses. If the Legislative Auditor  
21 finds that excess revenue is generated, he or she shall report his or her findings to the  
22 Legislature's Joint Standing Committee on Government Organization, along with  
23 recommendations on how the fees can be adjusted to generate only the amount the board  
24 reasonably needs to operate under this chapter.

NOTE: The purpose of this bill is to provide clarification regarding when funds accumulated by boards may be transferred to the General Revenue Fund of the State Treasury and to limit the amount of excess funds that may be transferred to the General Revenue Fund in a single fiscal year.

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