

RECEIVED

97 MAY -7 AM 11:33

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1997



**ENROLLED**

SENATE BILL NO. 534

(By Senator WOOTEN, ET AL)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

RECEIVED

97 MAY -7 12 11: 33

OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**

**Senate Bill No. 534**

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, HUNTER,  
OLIVERIO, ROSS, SCHOONOVER, SNYDER, WHITE, BUCKALEW,  
DEEM, KIMBLE AND SCOTT)

---

[Passed April 12, 1997; in effect ninety days from passage.]

---

AN ACT to amend article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen-a; and to amend article five, chapter eight of said code by adding thereto a new section, designated section twenty, all relating to voluntary associations and membership organizations primarily comprised of counties or municipalities in this state or elected or appointed officials of such counties or municipalities; requiring that such associations and organizations, whether or not for profit, which annually receive more than five thousand dollars in public funds for the dues of their members to file triennial audits with the secretary of tax and revenue; requiring that such audits be performed

by independent certified public accountants; and providing criminal penalties for failure to comply.

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

That article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen-a; and that article five, chapter eight of said code be amended by adding thereto a new section, designated section twenty, all to read as follows:

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 5. FISCAL AFFAIRS.**

#### **§7-5-17a. Triennial audits by certain associations and organizations receiving county funds.**

1 (a) Any voluntary association or other membership  
2 organization, whether nonprofit or for profit, the majority  
3 of the membership of which is comprised of counties of  
4 this state or of persons who hold elected or appointed  
5 county offices in this state, and which annually receives  
6 more than five thousand dollars in public moneys from the  
7 various counties of this state to pay the membership dues  
8 of counties or elected or appointed county officials, shall  
9 file with the secretary of tax and revenue on a triennial  
10 basis, beginning the first day of July, one thousand nine  
11 hundred ninety-seven, an audit of the receipt and dis-  
12 bursement of funds. The period covered by the audit shall  
13 be the previous three years or for the years since the last  
14 such audit.

15 (b) Any audit required by the provisions of this section  
16 shall be performed by an independent certified public  
17 accountant.

18 (c) Any voluntary association or membership organiza-  
19 tion subject to the provisions of this section which fails or  
20 refuses to file an audit shall be guilty of a misdemeanor  
21 and, upon conviction thereof, shall be fined not less than  
22 one thousand dollars nor more than five thousand dollars.

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPEN-**

**SATION OF OFFICERS; GENERAL PROVISIONS RELAT-  
ING TO OFFICERS AND EMPLOYEES; ELECTIONS AND  
PETITIONS GENERALLY; CONFLICT OF INTEREST.**

**§8-5-20. Triennial audits of certain associations and organiza-  
tions.**

1     (a) Any voluntary association or other membership  
2 organization, whether nonprofit or for profit, the majority  
3 of the membership of which is comprised of municipalities  
4 of this state or of persons who hold elected or appointed  
5 municipal offices in this state, and which annually  
6 receives more than five thousand dollars in public moneys  
7 from the various municipalities of this state to pay the  
8 membership dues of municipalities or elected or appointed  
9 municipal officials, shall file with the secretary of tax and  
10 revenue on a triennial basis, beginning the first day of  
11 July, one thousand nine hundred ninety-seven, an audit of  
12 the receipt and disbursement of funds. The period covered  
13 by the audit shall be the previous three years or for the  
14 years since the last such audit.

15     (b) Any audit required by the provisions of this section  
16 shall be performed by an independent certified public  
17 accountant.

18     (c) Any voluntary association or membership organiza-  
19 tion subject to the provisions of this section which fails or  
20 refuses to file an audit shall be guilty of a misdemeanor  
21 and, upon conviction thereof, shall be fined not less than  
22 one thousand dollars nor more than five thousand dollars.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schoonover*  
.....  
Chairman Senate Committee

*Nick Santora*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell Palmer*  
.....  
Clerk of the Senate

*Gregory M. Boy*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *7th*  
day of *May* ....., 1997.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/28/97  
Time 2:41 pm