

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**ENROLLED**

## **House Bill 2510**

BY DELEGATE HOWELL, PACK, HOTT, HAMRICK, DEAN,  
GRAVES, ELLINGTON, LINVILLE, HIGGINBOTHAM, BUTLER  
AND KESSINGER

[Passed March 1, 2019; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating  
2 to special funds of boards of examination or registration; requiring notice by Treasurer to  
3 Legislative Auditor of certain transfers; requiring review of the fee structure of board by  
4 Legislative Auditor under certain circumstances; and requiring report to Joint Standing  
5 Committee on Government Organization.

*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  
2 all money which it derives pursuant to the provisions of this chapter which are applicable to it.  
3 With the exception of money received as fines, each board shall pay all money which is collected  
4 into a separate special fund of the State Treasury which has been established for each board.  
5 This money shall be used exclusively by each board for purposes of administration and  
6 enforcement of its duties pursuant to this chapter. Any money received as fines shall be deposited  
7 into the General Revenue Fund of the State Treasury. When the special fund of any board  
8 accumulates to an amount which exceeds twice the annual budget of the board or \$10,000,  
9 whichever is greater, the State Treasurer shall:

10 (1) Transfer the excess amount to the state General Revenue Fund; and

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

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

14 (2) Within a reasonable time after the State Treasurer notifies the Legislative Auditor of a  
15 transfer required to be made under this section, the Legislative Auditor shall conduct a review of  
16 the fee structure of the applicable board to determine if the amount of the board's fees generate

17 excessive revenue, when compared to the board's normal expenses. If the Legislative Auditor  
18 finds that excess revenue is generated, he or she shall report his or her findings to the  
19 Legislature's Joint Standing Committee on Government Organization, along with  
20 recommendations on how the fees can be adjusted to generate only the amount the board  
21 reasonably needs to operate under this chapter.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2019.

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*Governor*