

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4121

BY DELEGATES FOSTER, JENNINGS, WAXMAN, CADLE, J.

JEFFRIES, PORTERFIELD, ANDERSON, MANDT, HANNA,

PHILLIPS AND WILSON

[Introduced January 13, 2020; Referred to the

Committee on Government Organization then

Finance]

1 A BILL to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating
 2 to state boards of examination or registration; and requiring Treasurer to transfer certain
 3 funds accumulated by the boards into the State General Fund.

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~~ average actual spending over
 9 the preceding five years of the board or \$10,000, 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 is 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.

NOTE: The purpose of this bill is to require the Treasurer to transfer, into the State General Fund, certain funds accumulated by most boards of examination or registration.

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