

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 248

By Senator Woodrum

[Introduced January 16, 2023; 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 excess funds accumulated by boards are to be transferred to the General Revenue
 3 Fund of the State Treasury.

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 twice the board’s total current actual expenditures for the
 10 last fiscal year, 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 the Board in any fiscal year may not exceed
 13 \$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 as to when excess funds accumulated by boards are to be transferred to the General Revenue Fund of the State Treasury.

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