

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 230

(By Mr. Jungers and Mr. Deem)

PASSED March 7, 1969

In Effect Unity day from Passage

#230

FILED IN THE OFFICE
JOHN B. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69

ENROLLED
Senate Bill No. 230
(By MR. SAWYERS and MR. DEEM)

[Passed March 7, 1969; in effect ninety days from passage.]

AN ACT to amend section seven, article nine, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the functions of the chief inspector of public offices in the conducting of post-audits of local governmental offices or agencies.

Be it enacted by the Legislature of West Virginia:

That section seven, article nine, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9. SUPERVISION OF PUBLIC OFFICES.

§6-9-7. Examinations into affairs of local public officers.

- 1 The chief inspector shall have power by himself, or by
- 2 any person appointed by him to perform the service, to

3 examine into all financial affairs of every local govern-
4 mental office or political subdivision and all boards, com-
5 missions, authorities, agencies or other offices created
6 under authority thereof and shall make such an examina-
7 tion at least once a year, if practicable. On every such
8 examination inquiry shall be made as to the financial con-
9 ditions and resources of the agency having jurisdiction
10 over the appropriations and levies disbursed by the office,
11 whether the requirements of the constitution and statu-
12 tory laws of the state and the ordinances and orders of
13 the agency have been properly complied with, and also
14 inquire into the methods and accuracy of the accounts,
15 and as to such other matters of audit and accounting as
16 the chief inspector may prescribe. He or any of his as-
17 sistants shall have power and may exercise all the au-
18 thority to issue subpoenas and compulsory process, and
19 to direct the service thereof by any constable or sheriff,
20 to compel the attendance of witnesses and the production
21 of books and papers before him at any designated time
22 and place, selected in their respective county, and to ad-
23 minister oaths. If any person shall refuse to appear before

24 said chief inspector or his assistants when required so to
25 do, or shall refuse to testify in regard to any matter or
26 refuse to produce any books or papers in his possession
27 or under his control, he shall be guilty of a misdemeanor,
28 and, upon conviction thereof, shall be fined not more than
29 one hundred dollars and imprisoned not more than six
30 months. Wilful false swearing in such examinations shall
31 be punishable as such. A report of each examination
32 shall be made in duplicate, one copy to be filed in the
33 office of the state tax commissioner and one in the audit-
34 ing department of the agency. If any such examination
35 discloses misfeasance, malfeasance or nonfeasance in of-
36 fice on the part of any public officer or employee, a certi-
37 fied copy of the report shall be filed with the proper legal
38 authority of the agency, the prosecuting attorney of the
39 county wherein the agency is located and with the at-
40 torney general for such legal action as is proper in the
41 premises. At the time of the filing of such certified audit
42 the chief inspector shall notify the proper legal authority,
43 the said prosecuting attorney, and the attorney general, in
44 writing, of his recommendation as to the legal action

45 that the chief inspector considers proper in the premises,
46 whether criminal prosecution or civil action to effect
47 restitution, or both. If the proper legal authority or said
48 prosecuting attorney, within nine months of the receipt
49 of such certified audit and recommendations; refuses,
50 neglects or fails to take efficient legal action by a civil suit
51 to effect restitution or by prosecuting criminal proceed-
52 ings to a final conclusion, in accordance with the said
53 recommendations, then the chief inspector shall have the
54 right to institute the necessary proceedings, or to partici-
55 pate therein, and to prosecute the same in any of the
56 courts of the state, to a final conclusion.

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

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

James M. Ryan
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Lloyd G. Jackson
President of the Senate

Sam F. Brimley
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch. A. Shaver Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/69
Time 3:15 p.m.