

SB 399

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 399

(By Senator WOOTEN, ET AL)

PASSED MARCH 12, 1998

In Effect JULY 1, 1998 Passage

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Senate Bill No. 399

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, HUNTER,
KESSLER, OLIVERIO, SCHOONOVER, SNYDER AND WHITE)

[Passed March 12, 1998; to take effect July 1, 1998.]

AN ACT to amend chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-a, relating to establishing an office for the receipt and referral of reports of suspected fraud, misappropriation, mismanagement or waste of state funds for the state of West Virginia; authorizing employment of a staff; procedures; and confidentiality.

Be it enacted by the Legislature of West Virginia:

That chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article four-a, to read as follows:

ARTICLE 4A. CENTRALIZED MANAGEMENT OF COMPLAINTS.

§12-4A-1. Legislative findings.

1 The Legislature finds that there is no centralized state
2 authority responsible for receiving and referring reports
3 of possible fraud, misappropriation of, mismanagement or
4 waste of state funds. It is the intent of the Legislature to
5 see that all state funds are utilized for the maximum
6 benefit of the people of the state of West Virginia. The
7 Legislature finds that it is important to provide the people
8 of this state with both a forum and an opportunity to
9 report suspected fraud, waste or abuse of state funds, and
10 to have those reports properly investigated.

§12-4A-2. General purpose.

1 The state auditor shall have authority to receive reports
2 of possible fraud, misappropriation, mismanagement or
3 waste of state funds of the state of West Virginia and to
4 refer such reports to the commission on special investiga-
5 tions, county prosecutors and law-enforcement agencies.

§12-4A-3. Duties generally.

1 (a) The state auditor may employ a forensic accountant
2 to receive and review reports of suspected fraud, misap-
3 propriation, mismanagement or waste of state funds
4 which shall be filed in that office. Such reports shall be
5 confidential, except that the state auditor or his or her
6 designee may supply information necessary to effectuate
7 this article to the appropriate governmental entities.

8 (b) The state auditor shall establish modes of communi-
9 cation sufficient to receive reports of suspected fraud,
10 misappropriation of, mismanagement or waste of state
11 funds. Reports of suspected fraud, misappropriation,
12 mismanagement or waste may be filed by any citizen or
13 employee of the state of West Virginia.

14 (c) Nothing in this article shall be construed to limit the
15 authority of any other governmental entity to conduct an

16 internal investigation of suspected fraud, misappropriation,
17 tion, mismanagement or waste.

§12-4A-4. Enforcement.

1 (a) The authority to enforce the provisions of this article
2 shall be vested in the state auditor. The state auditor shall
3 promptly forward any evidence of suspected fraud,
4 misappropriation of, mismanagement or waste of state
5 funds to the commission on special investigations and, if
6 potentially criminal in nature, to the prosecuting attorney
7 of the county in which such is alleged to have taken place,
8 to the law-enforcement agency with jurisdiction in the
9 area as well as to the commission on special investiga-
10 tions.

11 (b) If such reports are made about an agency that has its
12 own investigative body, then the state auditor may refer
13 evidence of the fraud, misappropriation, mismanagement
14 or waste to that investigative body.

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

Randy Adkerson
.....
Chairman Senate Committee

Mark Fontana
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1998.

Carroll R. Brown
.....
Clerk of the Senate

Bryan M. Bean
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

John C. Back
.....
Speaker House of Delegates

The within *approved* this the *21st*
day of *March*, 1998.

Jeffery C. Underwood
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/98

Time 3:25 pm