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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002

ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 409

(By Senators *CHAFIN, REDD AND FAWCING*)

PASSED MARCH 9, 2002

In Effect From Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 409

(SENATORS CHAFIN, REDD AND FANNING, *original sponsors*)

[Passed March 9, 2002; in effect from passage.]

AN ACT to amend and reenact section eight, article nine, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing for the chief inspector, pursuant to his or her statutory supervision of local government offices in the state, to transfer an amount not to exceed four hundred thousand dollars to the special operating fund in the securities division of the auditor's office; and establishing a date certain by which such amount or amounts must be transferred.

Be it enacted by the Legislature of West Virginia:

That section eight, 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 LOCAL GOVERNMENT OFFICES.

§6-9-8. Payment of cost of services of chief inspector; revolving fund.

1 (a) The cost of any service or act performed by the chief
2 inspector under the provisions of this article as to any
3 county or district office, officer or institution shall be paid
4 by the county commission of the county; the cost of any
5 service or act to any board of education shall be paid by
6 the board; the cost of any service or act to any municipal
7 corporation shall be paid by the authorities of the municipi-
8 pal corporation: *Provided*, That in municipalities in which
9 the total revenue from all taxes does not exceed the sum of
10 two thousand dollars annually, the cost including the per
11 diem and all actual costs and expenses of the services shall
12 not exceed the sum of sixty dollars. The cost of this
13 service shall be the actual cost and expense of the service
14 performed, including transportation, hotel, meals, materi-
15 als, per diem compensation of deputies, assistants, clerical
16 help and the other costs that are necessary to enable them
17 to perform the services required, but the costs shall not
18 exceed the sum of two thousand dollars for services
19 rendered to a Class III or a Class IV municipality: *Pro-*
20 *vided, however*, That the chief inspector may charge up to
21 an additional two thousand dollars for costs incurred for
22 each service or act performed for a utility or park system
23 owned by a Class III or Class IV municipality: *Provided*
24 *further*, That if a municipality is required to undergo a
25 single audit by the federal agency or agencies making a
26 grant, the cost limitations of this subsection do not apply:
27 *And provided further*, That the chief inspector shall
28 provide a written quote for all costs in advance for all
29 services required by this article. The chief inspector shall
30 render to the agency liable for the cost a statement of the
31 cost as soon after the cost was incurred as practicable and
32 the agency shall allow the cost and cause it to be paid
33 promptly in the manner that other claims and accounts are
34 allowed and paid and the total amount constitutes a debt

35 against the local agency due the state. Whenever there is
36 in the state treasury a sum of money due any county
37 commission, board of education or municipality from any
38 source, upon the application of the chief inspector, the sum
39 shall be at once applied on the debt against the county
40 commission, board of education or municipality and the
41 fact of the application of the fund shall be reported by the
42 auditor to the county commission, board of education or
43 municipality, which report shall be a receipt for the
44 amount named in the report. All money received by the
45 chief inspector from this source shall be paid into the state
46 treasury, shall be deposited to the credit of an account to
47 be known as chief inspector's fund and shall be expended
48 only for the purpose of covering the cost of the services,
49 unless otherwise directed by the Legislature. The cost of
50 any examination, service or act by the chief inspector
51 made necessary, or the part thereof that was made neces-
52 sary, by the willful fault of any officer or employee, may
53 be recovered by the chief inspector from that person, on
54 motion, on ten days' notice in any court having jurisdic-
55 tion.

56 (b) For the purpose of permitting payments to be made
57 at definite periods to deputy inspectors and assistants for
58 per diem compensation and expenses, there is hereby
59 created a revolving fund for the chief inspector's office.
60 The fund shall be accumulated and administered as
61 follows:

62 (1) There shall be appropriated from the state general
63 revenue fund the sum of twenty-five thousand dollars to
64 be transferred to this fund to create a revolving fund
65 which, together with other payments into this fund as
66 provided in this article, shall constitute a fund to defray
67 the cost of this service;

68 (2) Payments received for the cost of services of the chief
69 inspector's office and interest earned on the invested
70 balance of the chief inspector's revolving fund shall be

71 deposited into this revolving fund, which shall be known
72 as the chief inspector's fund;

73 (3) Any appropriations made to this fund may not be
74 considered to have expired at the end of any fiscal period;
75 and

76 (4) The chief inspector may transfer an amount not to
77 exceed four hundred thousand dollars from the chief
78 inspector's fund to the special operating fund created in
79 article four, chapter thirty-two of this code: *Provided,*
80 That any transfers shall be completed prior to the first day
81 of July, two thousand three.

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

Cary M. Orr
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Harrell Gibbs
.....
Clerk of the Senate

Bryson M. Boy
.....
Clerk of the House of Delegates

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

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *25th*
Day of *March*, 2002.

Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 9:00 am