WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED
Committee Substitute for
SENATE BILL NO. 409

(By Senators [Names of Senators])

PAASSED MARCH 9, 2002

In Effect [Days from Passage]
ENROLLED

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.

(a) The cost of any service or act performed by the chief inspector under the provisions of this article as to any county or district office, officer or institution shall be paid by the county commission of the county; the cost of any service or act to any board of education shall be paid by the board; the cost of any service or act to any municipal corporation shall be paid by the authorities of the municipal corporation: Provided, That in municipalities in which the total revenue from all taxes does not exceed the sum of two thousand dollars annually, the cost including the per diem and all actual costs and expenses of the services shall not exceed the sum of sixty dollars. The cost of this service shall be the actual cost and expense of the service performed, including transportation, hotel, meals, materials, per diem compensation of deputies, assistants, clerical help and the other costs that are necessary to enable them to perform the services required, but the costs shall not exceed the sum of two thousand dollars for services rendered to a Class III or a Class IV municipality: Provided, however, That the chief inspector may charge up to an additional two thousand dollars for costs incurred for each service or act performed for a utility or park system owned by a Class III or Class IV municipality: Provided further, That if a municipality is required to undergo a single audit by the federal agency or agencies making a grant, the cost limitations of this subsection do not apply: And provided further, That the chief inspector shall provide a written quote for all costs in advance for all services required by this article. The chief inspector shall render to the agency liable for the cost a statement of the cost as soon after the cost was incurred as practicable and the agency shall allow the cost and cause it to be paid promptly in the manner that other claims and accounts are allowed and paid and the total amount constitutes a debt
against the local agency due the state. Whenever there is
in the state treasury a sum of money due any county
commission, board of education or municipality from any
source, upon the application of the chief inspector, the sum
shall be at once applied on the debt against the county
commission, board of education or municipality and the
fact of the application of the fund shall be reported by the
auditor to the county commission, board of education or
municipality, which report shall be a receipt for the
amount named in the report. All money received by the
chief inspector from this source shall be paid into the state
treasury, shall be deposited to the credit of an account to
be known as chief inspector’s fund and shall be expended
only for the purpose of covering the cost of the services,
unless otherwise directed by the Legislature. The cost of
any examination, service or act by the chief inspector
made necessary, or the part thereof that was made neces-
sary, by the willful fault of any officer or employee, may
be recovered by the chief inspector from that person, on
motion, on ten days’ notice in any court having jurisdic-
tion.

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

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

(2) Payments received for the cost of services of the chief
inspector’s office and interest earned on the invested
balance of the chief inspector’s revolving fund shall be
deposited into this revolving fund, which shall be known as the chief inspector's fund;

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

(4) The chief inspector may transfer an amount not to exceed four hundred thousand dollars from the chief inspector's fund to the special operating fund created in article four, chapter thirty-two of this code: Provided, that any transfers shall be completed prior to the first day of July, two thousand three.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor