

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

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ENROLLED

SENATE BILL No. 40

(By Mr. Paull by request)

PASSED February 19 1941

In Effect 90 days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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AN ACT to amend and reenact sections two, three and four, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, relating to the collection and deposit of all moneys collected by any state institution under the control of the state, all state officers and all departments of the state government.

*Be it enacted by the Legislature of West Virginia:*

That sections two, three and four, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. *Method of Payment by State Officials and*  
2 *Employees; Credit to State Fund; Exceptions.* All offi-  
3 cials and employees of the state authorized by statute to  
4 accept moneys due the State of West Virginia shall keep  
5 a daily itemized record of such moneys so received for  
6 deposit in the state treasury and shall deposit promptly  
7 with the state treasurer all moneys received or collected  
8 by them for or on behalf of the state for any purpose  
9 whatsoever. When so paid, such moneys shall be credited  
10 to the state fund and treated by the auditor and treasurer  
11 as part of the general revenue of the state, and shall not  
12 be used for any purpose whatsoever unless and until  
13 authorized and directed by the Legislature, except the  
14 following funds:

15 (a) All moneys received out of appropriations made  
16 by the Congress of the United States;

17 (b) All funds derived from the sale of farm and  
18 dairy products;

19 (c) All endowment funds, bequests, donations, execu-  
20 tive emergency funds, and death and disability funds;

- 21 (d) All fees and funds collected at state educational  
22 institutions for student activities;
- 23 (e) All funds derived from collections from dormi-  
24 tories, boarding houses, cafeterias and road camps;
- 25 (f) All moneys received from counties by institutions  
26 for the deaf and blind on account of clothing for indigent  
27 pupils;
- 28 (g) All insurance collected on account of losses by  
29 fire and refunds;
- 30 (h) All funds derived from bookstores and sales of  
31 blank paper and stationery, and collections by the chief  
32 inspector of public offices;
- 33 (i) All moneys collected and belonging to the capitol  
34 building fund, state road fund, state road sinking funds,  
35 general school fund, school fund, state fund (moneys  
36 belonging to counties, districts and municipalities), state  
37 interest and sinking fund for payment of the Virginia  
38 debt, state interest and sinking fund, state compensation  
39 funds, the fund maintained by the public service com-  
40 mission for the investigation and supervision of appli-  
41 cations and licenses under article nine, chapter thirty-

42 one of this code, and all funds and moneys payable to or  
43 received by the conservation commission of West Vir-  
44 ginia;

45 (j) All moneys collected or received under any act  
46 of the Legislature providing that funds collected or re-  
47 ceived thereunder shall be used for specific purposes.

48 All moneys, excepted as aforesaid, shall be paid into  
49 the state treasury in the same manner as collections not  
50 so excepted, and shall be carried in separate accounts to  
51 be used and expended only for the purposes for which  
52 the same are authorized to be collected by law. The gross  
53 amount collected in all cases shall be paid into the state  
54 treasury, and commissions, costs and expenses of collec-  
55 tion authorized by general law to be paid out of the  
56 gross collection are hereby authorized to be paid out of  
57 the moneys collected and paid into the state treasury in  
58 the same manner as other payments are made from the  
59 state treasury.

60 The official or employee making such deposits in the  
61 state treasury shall prepare such deposit lists in such  
62 manner and upon such report forms as may be pre-

63 scribed by the chief inspector of public offices. The origi-  
64 nal of this report shall accompany the deposit to the state  
65 treasurer's office. A duplicate copy shall be forwarded  
66 by the official or employee making such deposit immedi-  
67 ately to the state auditor, and a third copy shall be kept  
68 by the official or employee making the report and shall  
69 become a part of his permanent record.

Sec. 3. *Deposit of Moneys by Treasurer; Lists to be*  
2 *Transmitted from Treasurer to Auditor and Director of*  
3 *the Budget.* Promptly upon the receipt of the afore-  
4 mentioned deposits, it shall be the duty of the treasurer  
5 to check all items on such lists, and, if found correct, trans-  
6 mit same together with a certificate of deposit in duplicate,  
7 as soon as practicable, to the depository in which he  
8 desires to make the deposit. A copy of each deposit  
9 report received by the treasurer from the sources men-  
10 tioned above, as well as any deposits received by him from  
11 any other source, shall be sent to the auditor and the direc-  
12 tor of the budget daily.

Sec. 4. *Duty of Depositories.* Immediately upon the re-  
2 ceipt of such deposit, it shall be the duty of the deposi-

3 tory to credit the state treasurer with the amount of the  
4 deposit, to date and sign the certificates of deposit by  
5 some legally constituted official of the depository and  
6 transmit promptly both copies to the state treasurer who  
7 shall immediately transmit one signed copy to the state  
8 auditor.

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

*C. H. McKeown*  
Chairman Senate Committee

*Leon Rice*  
Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage

*C. Isaac Walters*  
Clerk of the Senate

*J. Skiff*  
Clerk of the House of Delegates

*Byron R. Randolph*  
President of the Senate

*Malcolm R. Arnold*  
Speaker House of Delegates

The within *approved* this the *22nd*  
day of *February*, 1941.

*Matthew A. Neely*  
Governor.

