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SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 1132

(By Mr. McManus and Mr. Burke)

PASSED April 14, 1973

In Effect Ninety days from Passage



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FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/8/73

Veto - 1132

ENROLLED

House Bill No. 1132

(By MR. SPEAKER, MR. MCMANUS, and MR. BURKE)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the manner of payment of money from the state treasury, the form of the checks and the manner and circumstances under which duplicate checks may be issued.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.

§12-3-1. Manner of payment from treasury; form of checks; issuance of duplicate checks.

1 Every person claiming to receive money from the treasury
2 of the state shall apply to the auditor for a warrant for same.
3 The auditor shall thereupon examine the claim, and the vouchers, certificates and evidence, if any, offered in support
4 thereof, and for so much thereof as he shall find to be justly
5 due from the state, if payment thereof be authorized by law,
6 and if there be an appropriation not exhausted or expired out
7 of which it is properly payable, he shall issue his warrant on
8 the treasurer, specifying to whom and on what account the
9 money mentioned therein is to be paid, and to what appro-
10

11 priation the same is to be charged. On the presentation of such
12 warrant to the treasurer, he shall ascertain whether the same
13 has been drawn in pursuance of an appropriation made by law,
14 and if he finds it to be so, he shall in that case, but not other-
15 wise, endorse his check upon such warrant, directed to some
16 depository, which check shall be payable to the order of the
17 person who is to receive the money therein specified, and he
18 shall then transmit the check directly to the payee thereof. If
19 such check shall not be presented for payment within three
20 years after it is drawn, it shall then be the duty of the treasur-
21 er to charge it again to the depository on which it was drawn,
22 to credit the state fund with the amount, and immediately to
23 notify the auditor to make corresponding entries on his books.
24 No state depository shall pay a check unless it is presented
25 within six months after it is drawn, and the treasurer is here-
26 by authorized to cover into the treasury, by appropriate en-
27 tries, all checks that have been outstanding for three years or
28 over. Every check shall bear upon its face the words, "Void,
29 unless presented for payment within six months." During the
30 six-month period aforesaid, upon satisfactory proof being pre-
31 sented to the treasurer that any check drawn by him upon the
32 state treasury has been lost or destroyed before having been
33 paid, the treasurer may issue a stop order to the depository up-
34 on which the check was drawn. Upon receipt from such de-
35 pository verification that said check has not been paid and will
36 not be paid, the treasurer may issue a duplicate check, marked
37 duplicate and drawn upon the same depository as the original,
38 to the payee of the original check. The treasurer may require
39 a bond to be executed, with such security as is approved by
40 him, payable to the state, in the penalty of the amount of the
41 warrant and conditioned to save harmless the state from any
42 loss occasioned by the issuing of the duplicate warrant. All
43 claims required by law to be allowed by any court, and pay-
44 able out of the state treasury, shall have the seal of the court
45 allowing or authorizing the payment of the same affixed by the
46 clerk of such court to his certificate of its allowance; and no
47 such claim shall be audited and paid by the auditor unless the
48 seal of such court be thereto attached as aforesaid. No tax or
49 fee shall be charged by the clerk for affixing his seal to the
50 certificate referred to in this section.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Hawaii McCason
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. D. Boothby Jr.
President of the Senate

Lewis F. Thomas
Speaker House of Delegates

The within disapproved this the 24th
day of April, 1973.

Arthur A. Pinnell Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.