WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

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ENROLLED

HOUSE BILL No. 1132

(By Mr. Williams and Mr. Barta)

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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 5/18/73
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 of the state shall apply to the auditor for a warrant for same.
2 The auditor shall thereupon examine the claim, and the vouchers, certificates and evidence, if any, offered in support thereof, and for so much thereof as he shall find to be justly due from the state, if payment thereof be authorized by law, and if there be an appropriation not exhausted or expired out of which it is properly payable, he shall issue his warrant on the treasurer, specifying to whom and on what account the money mentioned therein is to be paid, and to what appro-
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appropriation the same is to be charged. On the presentation of such warrant to the treasurer, he shall ascertain whether the same has been drawn in pursuance of an appropriation made by law, and if he finds it to be so, he shall in that case, but not otherwise, endorse his check upon such warrant, directed to some depository, which check shall be payable to the order of the person who is to receive the money therein specified, and he shall then transmit the check directly to the payee thereof. If such check shall not be presented for payment within three years after it is drawn, it shall then be the duty of the treasurer to charge it again to the depository on which it was drawn, to credit the state fund with the amount, and immediately to notify the auditor to make corresponding entries on his books. No state depository shall pay a check unless it is presented within six months after it is drawn, and the treasurer is hereby authorized to cover into the treasury, by appropriate entries, all checks that have been outstanding for three years or over. Every check shall bear upon its face the words, "Void, unless presented for payment within six months." During the six-month period aforesaid, upon satisfactory proof being presented to the treasurer that any check drawn by him upon the state treasury has been lost or destroyed before having been paid, the treasurer may issue a stop order to the depository upon which the check was drawn. Upon receipt from such depository verification that said check has not been paid and will not be paid, the treasurer may issue a duplicate check, marked duplicate and drawn upon the same depository as the original, to the payee of the original check. The treasurer may require a bond to be executed, with such security as is approved by him, payable to the state, in the penalty of the amount of the warrant and conditioned to save harmless the state from any loss occasioned by the issuing of the duplicate warrant. All claims required by law to be allowed by any court, and payable out of the state treasury, shall have the seal of the court allowing or authorizing the payment of the same affixed by the clerk of such court to his certificate of its allowance; and no such claim shall be audited and paid by the auditor unless the seal of such court be thereto attached as aforesaid. No tax or fee shall be charged by the clerk for affixing his seal to the certificate referred to in this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Darby
Chairman Senate Committee

Clarence E. Christiansen Jr.
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Cnam M. Carson
Clerk of the Senate

Clerkship
Clerk of the House of Delegates

W. J. Boothby Jr.
President of the Senate

Lewis F. badges
Speaker House of Delegates

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

Arthur G. Barnes Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 4/24/73
Time 2:34 p.m.