

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1039

(By Mr. Tucker)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



FILED IN THE OFFICE
EDGAR J. ... III
SECRETARY OF STATE
THIS ... 3/29/74

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ENROLLED

H. B. 1039

(By MR. TUCKER)

[Passed March 9, 1974; 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
4 vouchers, certificates and evidence, if any, offered in support
5 thereof, and for so much thereof as he shall find to be justly
6 due from the state, if payment thereof be authorized by law,
7 and if there be an appropriation not exhausted or expired out
8 of which it is properly payable, he shall issue his warrant
9 on the treasurer, specifying to whom and on what account
10 the money mentioned therein is to be paid, and to what

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

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

H. Daniel Hardy
Chairman Senate Committee

Clarence C. Christensen
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brotherton Jr.
President of the Senate

Lewis J. Whanue
Speaker House of Delegates

The within disapproved this the 26th
day of March, 1974.

Archie A. Phang
Governor

PRESENTED TO THE
GOVERNOR

Date 3/21/14

Time 10:30 a.m.