

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-28-79

Time 9:05 a.m.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979



ENROLLED

Committee Substitute for
SENATE BILL NO. 99

No. 99

(By Mr. Huffman)



PASSED March 10, 1979

In Effect minutes days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 99
(MR. HUFFMAN, *original sponsor*)

[Passed March 10, 1979; in effect ninety days from passage.]

AN ACT to amend article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two; to amend and reenact section nineteen, article three, chapter twelve of said code; and to amend and reenact section three, article five, chapter twenty-one of said code, all relating to the direct deposit of certain governmental employees' compensation into designated accounts in financial institutions; prohibiting general orders for payrolls; providing certain exceptions with respect to such prohibition; and relating to payment of wages by employers other than railroads and to assignments of wages.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two; that section nineteen, article three, chapter twelve of said code be amended and reenacted; and that section three, article five, chapter twenty-one of said code be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COURTS AND OFFICERS.

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

§7-7-22. Direct deposit of county officials' and employees' compensation into designated accounts in financial institutions.

1 Notwithstanding any other provision of this article, a
2 county commission, board of education, or governing
3 body of a municipal corporation may, upon the written
4 request of any of their respective employees, deposit that
5 employee's compensation directly into a demand or time
6 account in a bank, credit union, or savings and loan
7 institution. The written request shall specifically identify
8 the employee, the financial institution, the type of ac-
9 count and the account number.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.

§12-3-19. General order by county commission, board of education or governing body of a municipal corporation prohibited.

1 It shall be unlawful for any county commission, board
2 of education or the governing body of a municipal cor-
3 poration, or other body charged with the administration
4 of the fiscal affairs of any county, school district, inde-
5 pendent school district or municipality, to issue any
6 general order for a payroll, or to any person to be dis-
7 bursed or distributed by him to those who have per-
8 formed the services or furnished the materials for which
9 payment is to be made, but in all such cases the order
10 shall be made payable to the persons lawfully entitled to
11 such payment: *Provided*, That a county commission,
12 board of education or governing body of a municipal
13 corporation may, upon the written request of any of their
14 respective employees, issue a general order for a payroll
15 to a bank, credit union, or savings and loan institution
16 for deposit to that employee's demand or time account.

17 The written request shall specifically identify the em-
18 ployee, the financial institution, the type of account and
19 the account number.

CHAPTER 21. LABOR.

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

**§21-5-3. Payment of wages by employers other than railroads;
assignments of wages.**

1 Every person, firm or corporation doing business in
2 this state, except railroad companies as provided in sec-
3 tion one of this article, shall settle with its employees at
4 least once in every two weeks, unless otherwise provided
5 by special agreement, and pay them the wages due, less
6 authorized deductions and authorized wage assignments,
7 for their work or services in lawful money of the United
8 States, or by the cash order as described and required in
9 the next succeeding section of this article or by any
10 method of depositing immediately available funds in an
11 employee's demand or time account in a bank, credit
12 union or savings and loan institution that may be agreed
13 upon in writing between the employee and such person,
14 firm or corporation, which agreement shall specifically
15 identify the employee, the financial institution, the type
16 of account and the account number: *Provided*, That
17 nothing herein contained shall be construed in a manner
18 to require any person, firm or corporation to pay em-
19 ployees by depositing funds in a financial institution:
20 *Provided further*, That if, at any time of payment, any
21 employee shall be absent from his regular place of labor
22 and shall not receive his wages through a duly authorized
23 representative, he shall be entitled to such payment at
24 any time thereafter upon demand upon the proper pay-
25 master at the place where such wages are usually paid
26 and where the next pay is due.

27 Nothing herein contained shall affect the right of an
28 employee to assign part of his claim against his employer
29 except as hereinafter provided.

30 No assignment of or order for future wages shall be
31 valid for a period exceeding one year from the date of
32 such assignment or order. Such assignment or order shall

33 be acknowledged by the party making the same before
34 a notary public or other officer authorized to take
35 acknowledgments, and such order or assignment shall
36 specify thereon the total amount due and collectible by
37 virtue of the same and three fourths of the periodical
38 earnings or wages of the assignor shall at all times be
39 exempt from such assignment or order and no assignment
40 or order shall be valid which does not so state upon its
41 face: *Provided further*, That no such order or assignment
42 shall be valid unless the written acceptance of the em-
43 ployer of the assignor to the making thereof, is endorsed
44 thereon: *Provided further*, That nothing herein contained
45 shall be construed as affecting the right of employer and
46 employees to agree between themselves as to deductions
47 to be made from the payroll of employees: *And provided*
48 *further*, That nothing herein contained shall be construed
49 as affecting the right of teachers who have elected to
50 become members of a county teachers' retirement system,
51 as permitted by section two, article seven-a, chapter
52 thirty-six, acts of the Legislature of West Virginia, regular
53 session, one thousand nine hundred forty-one, to make
54 assignments of or orders for future wages to such systems
55 for periods coextensive with the term of their contracts
56 of employment.

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

James L. Davis
Chairman Senate Committee

Clarence C. Christensen
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Hillenbrand
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

W. B. Robinson
President of the Senate

Hyde H. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *28*
day of *March*, 1979.

John D. Ralston W
Governor



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OFFICE OF THE GOVERNOR

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