WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 1074

(By Del. S. Cook & Hatfield)

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Passed April 8, 1989

In Effect Ninety Days from Passage
AN ACT to amend and reenact section one, article twenty-five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to resident trustee accounts required, reports.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 25. RESIDENT TRUSTEE ACCOUNTS.

§5-25-1. Resident trustee accounts required, reports.

1 All state institutions including, but not limited to, those institutions under the control of the department of veterans affairs, the department of health, or the department of human services which provide custodial care for any person for any purpose whatsoever shall establish resident trustee accounts for all persons resident at the institution who request such accounts or who are unable to manage their own funds. The administrator in charge of the institution shall take
possession of all money or other valuables on the person
of or sent to each resident for whom a trustee account
has been established: Provided, That this article shall
not apply to state institutions under the control of the
department of corrections or where there is a legal
representative appointed for such person.

The administrator shall credit such money and
valuables to the resident entitled thereto and shall keep
an accurate record of all moneys and valuables received
or disbursed. This account is subject to examination by
the head of the department which controls the institu-
tion. The administrator shall deposit such fiduciary
funds received into federally insured account approved
by the director of the department except for those funds
required to be kept locally. The local funds shall be
deposited in one or more responsible banks. The
accounts shall be designated “resident trustee account.”

The administrator shall ensure that proper disburse-
ments are made from the “resident trustee account”
when required for the maintenance of the resident or
when agreed to by the resident.

The administrator shall deliver to the resident, or to
the resident's responsible representative payee when
applicable, at the time the resident leaves the institution
all valuables or moneys then credited to the resident or,
in the case of the death of a resident before leaving the
institution, the administrator shall deliver such property
to the resident's representative.

The administrator of the institution shall submit a
monthly report to the head of the department control-
ing the institution. This report shall provide a recon-
ciliation of each resident trustee account or other
fiduciary account maintained by the institution.

The director of any department who receives these
monthly reports shall submit each month to the legis-
lative auditor a record of the reconciliations for each
institution.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick R. Barka
Chairman Senate Committee

J.L. Setto
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph R. Blankenship
Clerk of the Senate

Donald E. Knipp
Clerk of the House of Delegates

Raymond F. Timmons
President of the Senate

Calvert R. Caruthers
Speaker of the House of Delegates

The within is approved this the 27th day of April, 1989.

Gaston Caperton
Governor