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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

# ENROLLED

HOUSE BILL No. 2754

(By ~~me~~ Del. S. Cook + Hatfield)

— ● —

Passed April 8, 1989

In Effect Ninety Days from Passage

**ENROLLED**  
**H. B. 2754**

(By DELEGATES S. COOK AND HATFIELD)

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[Passed April 8, 1989; in effect ninety days from passage.]

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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,  
2 those institutions under the control of the department of  
3 veterans affairs, the department of health, or the  
4 department of human services which provide custodial  
5 care for any person for any purpose whatsoever shall  
6 establish resident trustee accounts for all persons  
7 resident at the institution who request such accounts or  
8 who are unable to manage their own funds. The  
9 administrator in charge of the institution shall take

10 possession of all money or other valuables on the person  
11 of or sent to each resident for whom a trustee account  
12 has been established: *Provided*, That this article shall  
13 not apply to state institutions under the control of the  
14 department of corrections or where there is a legal  
15 representative appointed for such person.

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

27 The administrator shall ensure that proper disburse-  
28 ments are made from the "resident trustee account"  
29 when required for the maintenance of the resident or  
30 when agreed to by the resident.

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

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

43 The director of any department who receives these  
44 monthly reports shall submit each month to the legis-  
45 lative auditor a record of the reconciliations for each  
46 institution.

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

*Frederick L. Perko*  
Chairman Senate Committee

*J. L. Setters*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Isaac L. Smith*  
Clerk of the Senate

*Donald A. Jepp*  
Clerk of the House of Delegates

*Samuel A. Tinsley*  
President of the Senate

*Robert C. Allen*  
Speaker of the House of Delegates

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

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/89

Time 10:30