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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 432

(By Senator WOOTEN, ET AL)



PASSED MARCH 9, 1995

In Effect 90 days From Passage

ENROLLED

Senate Bill No. 432

(BY SENATORS WOOTON, SCOTT, ANDERSON, DITTMAR,
ROSS, BUCKALEW AND YODER)

[Passed March 9, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-seven, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections thirty-eight and thirty-nine, all relating to accounting procedures for county officers; requiring all county officers, including officials of any agency or entity created by the county commission, to deposit funds into bank accounts; authorizing such officers to determine whether to utilize interest bearing accounts; requiring the deposit of funds on the first available business day where the amount of funds is not less than five hundred dollars; excepting county assessors from deposits on the first available business day; interest to be deposited on at least a quarterly basis; county officers to issue duplicate receipts on forms approved by the chief inspector; chief inspector to prescribe minimum requirements of such forms; and providing for the removal of county officers who fail to comply with the prescribed accounting procedures.

Be it enacted by the Legislature of West Virginia:

That section thirty-seven, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections thirty-eight and thirty-nine, all to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-37. Deposits by county officers in noninterest bearing or interest bearing accounts; payment to county general fund; annual report.

1 Except as to any tax receipts, which shall be deposited
2 in accordance with section four, article six, chapter
3 seven of this code, when any fee, cost, percentage,
4 penalty, commission, allowance, bond, deposit, surety or
5 other cash payment or sum is to be held by the sheriff,
6 the prosecuting attorney, the county commission, an
7 official of an agency or entity created by the county
8 commission, the clerk of the county commission, the
9 clerk of the circuit court or the assessor of any county
10 under any provision of law or proper order of the circuit
11 court, said officer shall deposit the same in an account or
12 accounts which may, at his or her sole discretion, be an
13 interest bearing account or accounts in secure and
14 properly insured banks. All money collected, including
15 cash and checks, shall be deposited intact on the first
16 available business day: *Provided*, That the requirement
17 for deposits on the first available business day shall not
18 apply to the county assessor, nor shall it apply to any
19 county officer if the amount to be deposited is less than
20 five hundred dollars. Any interest earned on such
21 accounts, and not otherwise included in any refund,
22 return or reimbursement of said fees, costs, penalties,
23 commissions, allowances, bonds, deposits, sureties or
24 other cash payments or sums, as directed by law or
25 proper order of the circuit court, shall be paid into the
26 county's general fund on a regular basis, but in no event

27 less often than quarterly.

28 All county officers shall report to the county commis-
29 sion by the first day of July each year concerning his or
30 her election to use interest bearing accounts, amounts
31 currently on deposit and interest actually earned on such
32 accounts.

§59-1-38. County officers to issue receipts of collections.

1 Any county officer, as described in section thirty-seven
2 of this article, who receives a fee, cost, percentage,
3 penalty, commission, allowance, bond, deposit, surety or
4 other cash payment or sum shall issue a receipt to the
5 payor thereof, in duplicate, on a form approved by the
6 chief inspector, in accordance with the provisions of
7 article nine, chapter six of this code. The county officer
8 shall issue the original of such receipt to the payor and
9 shall retain the copy. The chief inspector shall prescribe
10 the minimum information to be included on such receipt
11 forms.

§59-1-39. Removal of county officer.

1 If any county officer shall fail to comply with the
2 provisions of this article, the chief inspector may, in
3 addition to any other remedies provided by law, seek the
4 removal from office of such county officer, in accordance
5 with provisions of section seven, article six, chapter six
6 of this code.

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

Randy Schonover
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell R Holmes
.....
Clerk of the Senate

Donald L. Vepp
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Will Rubin
.....
Speaker House of Delegates

The within *is approved* this the *17th*
.....
day of *March*, 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/45

Time 10:39 am