

SB 428

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SENATE WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*

SENATE BILL NO. 428

(By Senators LOVE, WOOTEN AND FAWCETT)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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99 MAR 25 PM 4:10

OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA  
CHARLESTON, WEST VIRGINIA

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 428**

(SENATORS LOVE, WOOTON AND FANNING, *original sponsors*)

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[Passed March 13, 1999; in effect ninety days from passage.]

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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 exempting information and records of the treasurer regarding certain checks which have not been presented for payment from the freedom of information act.

*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, EXPENDITURES AND DEDUCTIONS.**

**§12-3-1. Manner of payment from treasury; form of checks.**

1 Every person claiming to receive money from the  
2 treasury of the state shall apply to the auditor for a  
3 warrant for same. The auditor shall thereupon examine  
4 the claim, and the vouchers, certificates and evidence, if  
5 any, offered in support thereof, and for so much thereof as  
6 he or she finds to be justly due from the state, if payment  
7 thereof is authorized by law, and if there is an appropria-  
8 tion not exhausted or expired out of which it is properly  
9 payable, the auditor shall issue his or her warrant on the  
10 treasurer, specifying to whom and on what account the  
11 money mentioned therein is to be paid, and to what  
12 appropriation it is to be charged. The auditor shall  
13 present to the treasurer daily reports on the number of  
14 warrants issued, the amounts of the warrants and the  
15 dates on the warrants for the purpose of effectuating the  
16 investment policy of the investment management board.  
17 On the presentation of the warrant to the treasurer, the  
18 treasurer shall ascertain whether there are sufficient funds  
19 in the treasury to pay that warrant, and if he or she finds  
20 it to be so, he or she shall in that case, but not otherwise,  
21 endorse his or her check upon the warrant, directed to  
22 some depository, which check shall be payable to the order  
23 of the person who is to receive the money therein specified;  
24 or the treasurer may issue an electronic funds transfer in  
25 payment of the warrant. If the check is not presented for  
26 payment within six months after it is drawn, it shall then  
27 be the duty of the treasurer to credit it to the depository on  
28 which it was drawn, to credit the unclaimed property fund  
29 pursuant to the provisions of article eight, chapter thirty-  
30 six of this code, and immediately notify the auditor to  
31 make corresponding entries on the auditor's books. No  
32 state depository may pay a check unless it is presented  
33 within six months after it is drawn and every check shall  
34 bear upon its face the words, "Void, unless presented for  
35 payment within six months." Any information or records  
36 maintained by the treasurer concerning any check which  
37 has not been presented for payment within six months of  
38 the date of issuance may only be disclosed to the state  
39 agency specified on the check, or to the payee, his or her  
40 personal representative, next of kin or attorney-at-law and  
41 is otherwise confidential and exempt from disclosure  
42 under the provisions of article one, chapter twenty-nine-b

43 of this code. All claims required by law to be allowed by  
44 any court, and payable out of the state treasury, shall have  
45 the seal of the court allowing or authorizing the payment  
46 of the claim affixed by the clerk of the court to his or her  
47 certificate of its allowance. No claim may be audited and  
48 paid by the auditor unless the seal of the court is thereto  
49 attached as aforesaid. No tax or fee may be charged by the  
50 clerk for affixing his or her seal to the certificate, referred  
51 to in this section. The treasurer shall propose rules in  
52 accordance with the provisions of article three, chapter  
53 twenty-nine-a of this code governing the procedure for  
54 such payments from the treasury.

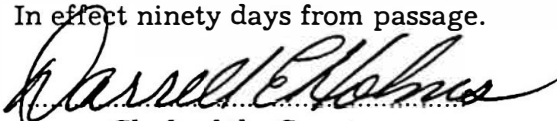
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

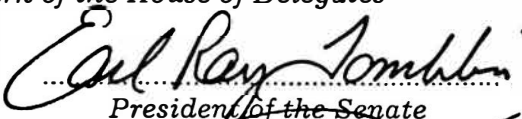
  
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Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within... *approved* ..... this the *25th*  
Day of *March* ....., 1999

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:58 am