WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

Committee Substitute For
SENATE BILL NO. 428

(By Senators Love, Gorton and Fanning)

PASSED March 13, 1999
In Effect Ninety Days From Passage
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.
Every person claiming to receive money from the treasury of the state shall apply to the auditor for a warrant for same. The auditor shall thereupon examine the claim, and the vouchers, certificates and evidence, if any, offered in support thereof, and for so much thereof as he or she finds to be justly due from the state, if payment thereof is authorized by law, and if there is an appropriation not exhausted or expired out of which it is properly payable, the auditor shall issue his or her warrant on the treasurer, specifying to whom and on what account the money mentioned therein is to be paid, and to what appropriation it is to be charged. The auditor shall present to the treasurer daily reports on the number of warrants issued, the amounts of the warrants and the dates on the warrants for the purpose of effectuating the investment policy of the investment management board.

On the presentation of the warrant to the treasurer, the treasurer shall ascertain whether there are sufficient funds in the treasury to pay that warrant, and if he or she finds it to be so, he or she shall in that case, but not otherwise, endorse his or her check upon the warrant, directed to some depository, which check shall be payable to the order of the person who is to receive the money therein specified; or the treasurer may issue an electronic funds transfer in payment of the warrant. If the check is not presented for payment within six months after it is drawn, it shall then be the duty of the treasurer to credit it to the depository on which it was drawn, to credit the unclaimed property fund pursuant to the provisions of article eight, chapter thirty-six of this code, and immediately notify the auditor to make corresponding entries on the auditor's books. No state depository may pay a check unless it is presented within six months after it is drawn and every check shall bear upon its face the words, "Void, unless presented for payment within six months." Any information or records maintained by the treasurer concerning any check which has not been presented for payment within six months of the date of issuance may only be disclosed to the state agency specified on the check, or to the payee, his or her personal representative, next of kin or attorney-at-law and is otherwise confidential and exempt from disclosure under the provisions of article one, chapter twenty-nine-b
of this code. All claims required by law to be allowed by
any court, and payable out of the state treasury, shall have
the seal of the court allowing or authorizing the payment
of the claim affixed by the clerk of the court to his or her
certificate of its allowance. No claim may be audited and
paid by the auditor unless the seal of the court is thereto
attached as aforesaid. No tax or fee may be charged by the
clerk for affixing his or her seal to the certificate, referred
to in this section. The treasurer shall propose rules in
accordance with the provisions of article three, chapter
twenty-nine-a of this code governing the procedure for
such payments from the treasury.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 25th Day of March, 1939

Governor