

HB 2759

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2759

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)



Passed March 12, 1999

In Effect Ninety Days from Passage

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OFFICE OF THE
SPEAKER OF THE HOUSE

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H. B. 2759

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article twenty-six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twelve, article four, chapter twelve of said code; to amend and reenact section three, article five of said chapter; to amend and reenact section nineteen, article twenty-two, chapter twenty-nine of said code; and to amend and reenact section twenty-one, article two, chapter sixty of said code, all relating to the legislative auditor; and specifying the frequency with which the legislative auditor is to conduct certain audits.

Be it enacted by the Legislature of West Virginia:

That section six, article twenty-six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twelve, article four, chapter twelve of said code be amended and reenacted; that section three, article five of said chapter be amended and reenacted; that section nineteen, article twenty-two, chapter twenty-nine of said code be amended and reenacted; and that section twenty-one, article two, chapter sixty of said code be amended and reenacted, all 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 26. GOVERNOR'S CABINET ON CHILDREN AND FAMILIES.

§5-26-6. Children's fund created; purpose.

1 (a) The cabinet shall establish a children's fund for the sole
2 purpose of awarding grants, loans and loan guaranties for child
3 abuse and neglect prevention activities. Gifts, bequests or
4 donations for this purpose, in addition to appropriations to the
5 fund, shall be deposited in the state treasury in a special revenue
6 account that is independent from any executive or other
7 department of government, other than the office of the gover-
8 nor.

9 (b) Each state taxpayer may voluntarily contribute a portion
10 of the taxpayer's state income tax refund to the children's fund
11 by so designating the contribution on the state personal income
12 tax return form. The cabinet shall approve the wording of the
13 designation on the income tax return form, which designation
14 shall appear on tax forms. The tax commissioner shall deter-
15 mine by the first day of July of each year the total amount
16 designated pursuant to this subsection and shall report that
17 amount to the state treasurer, who shall credit that amount to
18 the children's fund.

19 (c) All interest accruing from investment of moneys in the
20 children's fund shall be credited to the fund. The legislative
21 auditor shall conduct an audit of the fund before the first day of
22 July, two thousand three and at least every three fiscal years
23 thereafter.

24 (d) Grants, loans and loan guaranties may be awarded from
25 the children's fund by the cabinet for child abuse and neglect
26 prevention activities.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-12. Treasurer authorized to provide check-cashing service; establishment and audit of cash funds.

1 The treasurer may provide a check-cashing service at his or
2 her office in the capitol building and may charge fees for the
3 service for each check cashed and for each check returned for
4 insufficient funds. For this purpose, he or she may establish
5 from receipts in the treasury not more than two cash funds each
6 in an initial amount not to exceed one hundred thousand dollars.
7 The treasurer shall designate certain employees in his or her
8 office who are to provide the service and have charge of the
9 funds, and may require the employees to be bonded either
10 individually or by blanket bonds. The cost of the bond or bonds
11 shall be paid out of the treasurer's current expense appropria-
12 tion.

13 The fees received for the service shall be deposited in the
14 cash funds and itemized accounts of the receipts shall be
15 maintained. Any check determined by the treasurer to be
16 uncollectible shall be charged against the fund from which it
17 was cashed. Before the first day of July, two thousand one and
18 at least every three fiscal years thereafter, the legislative auditor
19 shall audit the cash funds and all accounts and records relating
20 to the service provided pursuant to this section. If the amount
21 of either cash fund, after charges for uncollectible checks,
22 exceeds one hundred thousand dollars at the conclusion of any
23 audit, the treasurer shall transfer the excess to the general
24 revenue fund.

ARTICLE 5. PUBLIC SECURITIES.

§12-5-3. Legislative auditor to examine and list securities.

1 Before the first day of July, two thousand one and at least
2 every two fiscal years thereafter, the legislative auditor shall
3 examine and list all of the securities in the custody of the state
4 treasurer. A copy of the list so examined and certified shall be
5 transmitted to the state treasurer and the department of adminis-
6 tration.

**CHAPTER 29. MISCELLANEOUS BOARDS
AND OFFICERS.**

ARTICLE 22. STATE LOTTERY ACT.

§29-22-19. Post audit of accounts and transactions of office.

1 Before the first day of July, two thousand one and at least
2 every two fiscal years thereafter, the legislative auditor shall
3 conduct a post audit of all accounts and transactions of the state
4 lottery office. The cost of the audit shall be paid out of the state
5 lottery fund moneys designated for payment of operating
6 expenses. The commission shall have an annual audit per-
7 formed by an independent certified public accountant, and the
8 audits may be accepted by the legislative auditor in lieu of
9 performance of its post audit.

**CHAPTER 60. STATE CONTROL OF
ALCOHOLIC LIQUORS.**

ARTICLE 2. ALCOHOL BEVERAGE CONTROL COMMISSIONER.

§60-2-21. Audit.

1 Before the first day of July, two thousand one and at least
2 every two fiscal years thereafter, the legislative auditor shall
3 audit the affairs of the West Virginia alcohol beverage control
4 commissioner and report the results of the audit to the governor.
5 The cost of the audit shall be paid from the operating fund.

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



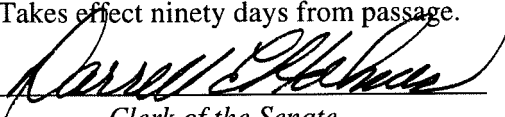
Chairman Senate Committee



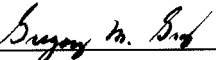
Chairman House Committee

Originating in the House.

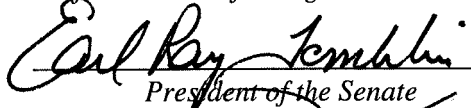
Takes effect ninety days from passage.



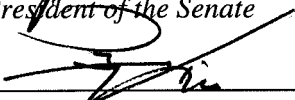
Clerk of the Senate



Clerk of the House of Delegates

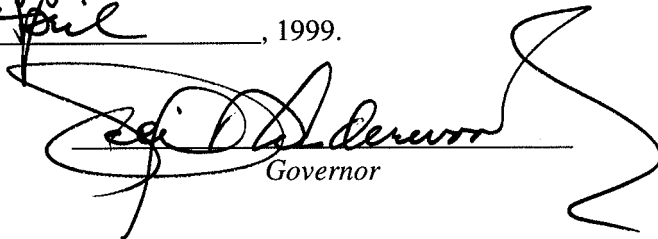


President of the Senate



Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:50 pm