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2005 MAY -4 P 4: 17

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

## House Bill No. 2939

(By Delegates Ron Thompson and Perry)



Passed April 9, 2005

In Effect from Passage

FILED

2005 MAY -4 P 4: 17

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

**H. B. 2939**

(BY DELEGATES RON THOMPSON AND PERRY)

[Passed April 9, 2005; in effect from passage]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-12b; to amend and reenact §12-3A-3 of said code; and to amend and reenact §44-1-28, all relating generally to the administration of moneys held by the state; establishing specific authorization for the State Treasurer to continue as the authorized official and representative as part of the cash management duties; allowing the auditor and treasurer to accept electronic submittal of documents without certification, notarization or verification under certain circumstances; and authorizing the treasurer to remit property to heirs under certain circumstances and establishing effect of such remittance.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §12-1-12b; that §12-3A-3 of said code be amended and reenacted; and that §44-1-28 of said code be amended and reenacted, all to read as follows:

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 1. STATE DEPOSITORIES.**

**§12-1-12b. Cash Management Improvement Act; administration; reports.**

1 (a) The Cash Management Improvement Act of 1990,  
2 Public Law 101-453, October 24, 1990, 31 U.S.C. Section 6501  
3 et. seq. (CMIA) and regulations, as amended, establishes  
4 requirements and techniques, including calculations, for the  
5 receipt and disbursement of federal funds by states. The  
6 authorized official and representative of the State of West  
7 Virginia for the CMIA is the State Treasurer.

8 (b) In administering the CMIA, the State Treasurer is  
9 authorized to do all things reasonably necessary, including  
10 without limitation, entering into agreements with, negotiating  
11 settlements with, refunding any interest due and satisfying any  
12 liability to the United States Treasury in accordance with the  
13 CMIA.

14 (c) Periodically, the State Treasurer shall transfer to the  
15 “Federal Cash Management Fund”, which is hereby authorized  
16 and continued, earnings on the State General Revenue Fund in  
17 an amount the Treasurer estimates is needed to make refunds in  
18 accordance with the CMIA. After each annual settlement with  
19 the United States Treasury, the State Treasurer shall transfer to  
20 the State General Revenue Fund any moneys remaining in the  
21 Federal Cash Management Interest Fund for the period just  
22 settled.

23 (d) The State Treasurer shall also transfer periodically to  
24 the “Federal Cash Management - Administration Fund,” which  
25 is hereby authorized and continued, earnings on the State  
26 General Revenue Fund in an amount the Treasurer determines  
27 is needed to pay for the costs of administering the CMIA. The

28 State Treasurer may pay the costs he or she incurs in adminis-  
29 tering the CMIA from the Federal Cash Management-Adminis-  
30 tration Fund.

31 (e) All state spending units shall cooperate fully with the  
32 State Treasurer in accumulating all the necessary data elements  
33 to fully comply with the CMIA.

34 (f) The State Treasurer shall send quarterly reports on the  
35 activities involving the CMIA to the Governor, Auditor,  
36 Secretary of Revenue and Joint Committee on Government and  
37 Finance.

#### **ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.**

##### **§12-3A-3. Financial electronic commerce.**

1 The State Auditor and the State Treasurer shall implement  
2 electronic commerce capabilities for each of their offices to  
3 facilitate the performance of their duties under this code. The  
4 State Treasurer shall competitively bid the selection of vendors  
5 needed to provide the necessary banking, investment and  
6 related goods and services, and the provisions of article one-b,  
7 chapter five, and articles three and seven, chapter five-a of this  
8 code shall not apply, unless requested by the State Auditor or  
9 State Treasurer.

10 A record, an authentication, a document or a signature  
11 received, issued or used by the Auditor or the Treasurer shall be  
12 considered an original and may not be denied legal effect on the  
13 ground that it is in electronic form. The Auditor and Treasurer  
14 may accept a document for the receipt or disbursements of  
15 moneys requiring certification, notarization or verification in an  
16 electronic format without the certification, notarization or  
17 verification.

18 The head of each spending unit is responsible for adopting  
19 and implementing security procedures to ensure adequate

20 integrity, security, confidentiality, and auditability of the  
21 business transactions of his or her spending unit when utilizing  
22 electronic commerce.

**CHAPTER 44. ADMINISTRATION OF  
ESTATES AND TRUSTS.**

**ARTICLE 1. PERSONAL REPRESENTATIVES.**

**§44-1-28. Payment of small sums due employees to distributees of  
decedents upon whose estates there have been no  
qualifications.**

1 (a) When there is due from the State of West Virginia, any  
2 of its political subdivisions, the United States, or any employer,  
3 as pension or money allowed for burial expenses, or money,  
4 wages or salary due from any employer to a deceased em-  
5 ployee, upon whose estate there has been no qualification, a  
6 sum of not exceeding one thousand dollars, it shall be lawful for  
7 the State of West Virginia, any of its political subdivisions, the  
8 United States, or such employer, after one hundred and twenty  
9 days from the death of said person to whom such money is due,  
10 to pay said sum to his or her surviving consort, if any; if none  
11 such, then to the distributees of the said decedent under the laws  
12 of the State of West Virginia, whose receipt therefor shall be a  
13 full discharge and acquittance to all persons whomsoever on  
14 account of such sum.

15 (b) When the State Treasurer holds property in accordance  
16 with article eight, chapter thirty-six of this code on behalf of a  
17 decedent whose estate has no qualification or is closed and the  
18 amount of the property is five thousand dollars or less, the  
19 Treasurer may remit the property to the surviving spouse of the  
20 decedent, if any; and if no spouse survives the decedent, then to  
21 the distributees of the decedent under the laws of the State of  
22 West Virginia. Payment in accordance with this section is in  
23 full discharge and acquittance to all persons whomsoever on  
24 account of the property.

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

*Clay White*  
\_\_\_\_\_  
Chairman Senate Committee

*Richard Breen*  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect from passage.

*Marcell E. Adams*  
\_\_\_\_\_  
Clerk of the Senate

*Gregory D. Bond*  
\_\_\_\_\_  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
\_\_\_\_\_  
President of the Senate

*[Signature]*  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 4<sup>th</sup>  
day of May, 2005.

*[Signature]*  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 10:00 a.m.