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
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.

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

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

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

(d) The State Treasurer shall also transfer periodically to the “Federal Cash Management - Administration Fund,” which is hereby authorized and continued, earnings on the State General Revenue Fund in an amount the Treasurer determines is needed to pay for the costs of administering the CMIA. The
State Treasurer may pay the costs he or she incurs in administering the CMIA from the Federal Cash Management-Administration Fund.

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

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

ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.


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

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

The head of each spending unit is responsible for adopting and implementing security procedures to ensure adequate
integrity, security, confidentiality, and auditability of the
business transactions of his or her spending unit when utilizing
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.

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

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

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ___ day of May, 2005.

Governor
PRESENTED TO THE GOVERNOR

MAY  2 2005

Time  10:00 a.m.