

FILED

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.

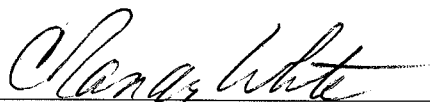
ARTICLE 1. PERSONAL REPRESENTATIVES.

§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.



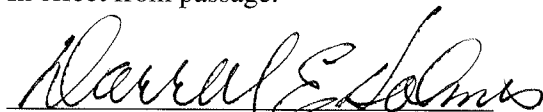
Chairman Senate Committee



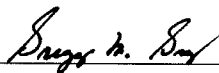
Chairman House Committee

Originating in the House.

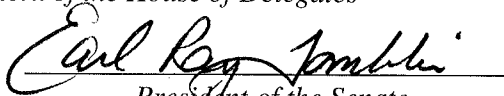
In effect from passage.



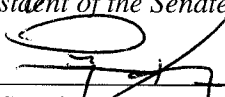
Clerk of the Senate



Clerk of the House of Delegates

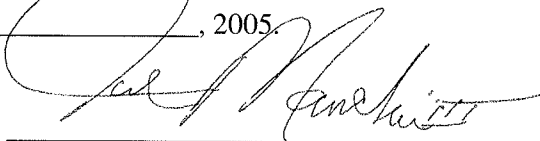


President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of May, 2005.



Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 10:00 a.m.