

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2013 JUL 25 PM 1:52

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Treasurer's Office TITLE NUMBER: 112

RULE TYPE: Legislative CITE AUTHORITY: §12-2-2

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 04

TITLE OF RULE BEING AMENDED: Procedure for Deposit of Monies with the Office by State Agencies

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 22, 2013 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:


Diana Stout, General Counsel

WV State Treasurer's Office
Bldg. 1, Room E-145

1900 Kanawha Blvd., E.
Charleston, WV 25305

(304) 558-5000
diana.stout@wvsto.com

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

112 CSR 4

Summary

Revisions being made to 112 CSR 4, Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies, are to update the rule to conform to the West Virginia Code and current practice, as well as to make technical corrections. Definitions are deleted for Central Receipts Processing Center and Fund, as the terms are not used; a definition is added for Depository; and the definition of Lock Box is amended. The rule clarifies various matters, such as endorsements on checks must comply with Federal Reserve standards; agencies are to make redeposits with the Treasurer; deposits are required within one business days, a 2013 revision in the W.Va. Code from 24 hours; and clearing accounts are no longer used.

TITLE 112
LEGISLATIVE RULE
STATE TREASURER'S OFFICE

SERIES 4
PROCEDURES FOR DEPOSIT OF MONEYS
WITH THE STATE TREASURER'S OFFICE BY STATE AGENCIES

§112-4-1. General.

1.1. Scope. -- This rule implements the provisions of W.Va. Code § 12-2-2.

1.2. Authority. -- W.Va. Code § 12-2-2.

1.3. Filing Date. -- May 6, 1998 _____.

1.4. Effective Date. -- May 7, 1998 _____.

~~1.5. Purpose -- The general purpose of this rule is to establish a system by which moneys received by State agencies, officials and employees on behalf of the State of West Virginia shall be 1) deposited with the Office of the State Treasurer within twenty-four hours of receipt, 2) immediately and properly accounted for, and 3) immediately available for investment by the State. This purpose is in keeping with the legislative findings and purpose set forth in W.Va. Code § 12-1-1, which authorize the Office of the State Treasurer to develop and maintain modern systems, consistent with sound financial practices, for the collection, disbursement, management and investment of public moneys. This rule also is specifically directed toward implementing the Legislature's intent in W.Va. Code § 12-1-2, wherein State officers and employees are prohibited from making or causing deposits of State moneys to be made in any bank not designated as an authorized depository by the Office of the State Treasurer.~~

§112-4-2. Definitions.

For purposes of this rule, unless a different meaning clearly is required by the context:

2.1. "Agency" means and includes any department, board, commission, division, branch office or other separate unit of State government, and any officer or employee of the an agency, ~~who or which collects moneys due the State~~ collecting moneys;

2.2. ~~"Centralized Receipts Processing Center" (CRPC RPC) means a central location operated by the Treasurer for receiving, processing and depositing all funds due~~

the State;

2.3. "Check" includes a bank draft, bank wire, money order, cashier's check, check written on the payor's checking account, and any other non-cash payment of funds due the State;

2.4. "Fund" means demand deposit account balances of which the Treasurer has use;

2.52.3. "Depository" or "State Depository" means a financial institution insured by an agency of the federal government, which has posted any required collaterally secured bond and approved by the Treasurer.

2.4. "Lock Box" means a cash management system whereby moneys due a State agency are mailed to a post office box near the "CRPC". The CRPC collects the receipts from the lock box and processes both the receipt document and the check "Lockbox services" means the process in which payments and remittance forms are mailed to a post office box, retrieved and processed, and the moneys then deposited into a financial institution account;

2.62.5. "Receipt Account" means an account in which moneys are deposited belonging to or due the State of West Virginia or any of its agencies; and

2.72.6. "Treasurer" means the West Virginia State Treasurer.

§112-4-3. Procedures for Deposits.

3.1. ~~Receipts Depositories~~ - The Treasurer shall establish ~~state depositories for receipt accounts pursuant to the provisions of W. Va. Code § 12-1-2 and this rule. An agency collecting funds shall deposit its collections in a depository designated by the Treasurer to serve as a depository for that agency's receipt accounts~~ a receipt account upon request for any agency.

3.2. Methods for Depositing Funds Due the State -

3.2.1. Checks - An agency shall deposit its check collections by any one or more of the following methods:

3.2.1.a. The agency's own employees may take the checks directly to the designated ~~receipt~~ depository;

3.2.1.b. An agency may use the services of a courier or armored car service engaged by the ~~agency~~ Treasurer to pick up deposits and deliver them to the designated depository;

~~3.2.1.c. The agency may use the services of a courier engaged by the Treasurer to pick up deposits from the agency and deliver them to the designated depository; or~~

~~3.2.1.d. An agency may use a lockbox, provided by Treasurer at his or her direction, at the Treasurer's centralized receipts processing center for direct processing the Treasurer's lockbox services for direct processing.~~

~~3.2.1.e~~ 3.2.1.d. The agency may use any other method approved in writing by the Treasurer;

3.2.2. Cash - An agency shall deposit its cash collections by any one or more of the methods authorized for deposit of checks by the Treasurer. In addition, an agency may use the safekeeping services of a night depository at ~~any bank of the agency's choice~~ a depository with an authorized receipt account.

3.2.3. Credit Cards - Agencies may accept credit card payments, using any one or more of the methods prescribed by the Treasurer, physical presentment of a credit card, verbal presentment by a voice payment system, or written authorization, or on a website approved by the Treasurer.

3.2.4 Direct Deposit - Upon approval from the Treasurer, an agency shall deposit its electronic collections at the depository that the Treasurer has established to receive electronic collections by ~~two methods: FEDWIRE or an ACH (Automated Clearing House) transaction.~~

3.3. Bank Deposit Forms - The agency collecting ~~funds~~ moneys shall make its deposits using a form prescribed by the Treasurer.

3.4. Processing Deposit Forms - The Treasurer shall prescribe the method by which all deposit forms ~~shall be~~ are processed.

3.5. Redeposit of State Checks - When an agency ~~redeposits~~ desires to redeposit State checks, the ~~deposits shall be made either at the designated depository or agency shall make the redeposit~~ directly to the Treasurer's office.

3.6. Endorsement of Deposited Checks - ~~Except for redeposits of State checks, the Treasurer shall endorse all checks received and deposited by agencies as in the following example:-~~

STATE OF WEST VIRGINIA

(AGENCY'S NAME)

FOR DEPOSIT ONLY

2013 JUN 25 PM 1:52

PAY TO THE ORDER OF

ANY BANK OR BANKER NO PROTEST

~~When a State check is redeposited, the Treasurer shall endorse the check as in the following example:~~

~~JOHN DOE~~

~~ABSENCE OF ENDORSEMENT~~

~~GUARANTEED REDEPOSIT TO~~

~~ACCOUNT NO. 1600-00-009-01~~

~~(REGULAR ENDORSEMENT STAMP AS SHOWN ABOVE)~~

The Treasurer shall endorse checks in accordance with Federal Reserve standards.

3.7. Adjustments and Returned Checks - Whenever debit or credit tickets for adjustments to a previous deposit for returned checks are received by an agency from a depository, the agency shall process the debit or credit tickets by the means as directed by and on the forms prescribed by the Treasurer.

3.8. Frequency of Deposits - The collecting agency shall deposit all receipts daily within one business day in the designated depository.

3.9. Clearing Accounts - ~~The requirements of Subsection 3.10 of this rule apply to every agency, notwithstanding that at the time of making the deposit the agency may not know the exact general ledger receipt account for preparation of the Treasurer's Deposit Form. If the agency does not know the exact general ledger receipt account, the agency shall obtain approval from the State Auditor to use a general ledger clearing account, and the agency shall record its deposits in the general ledger clearing account. When the agency determines the exact general ledger accounts applicable to the funds deposited in the general ledger clearing account, it shall prepare a Treasurer-prescribed "Revenue Transfer" and transfer the funds from the general ledger clearing account to the appropriate~~

~~general ledger receipt accounts.~~

~~3.10: Applicability of This Rule~~ this rule - ~~It is presumed that all~~ All moneys collected or held by State agencies in the form of cash, ~~undeposited~~ checks, bank accounts, or in any other form, are public moneys subject to the requirements of W. Va. Code §12-1-2 and of this rule. In the event any agency believes that all or part of this rule may not apply to its operations and collections, or that all or part of the moneys held by it may not be governed by this rule, it shall submit to the Treasurer a written statement of the reasons for that belief. If the Treasurer disagrees with the agency's written statement, the agency must then deposit the ~~funds~~ moneys in accordance with the requirements of W. Va. Code §12-2-2 and this rule. The agency shall also furnish an itemization and accounting of the moneys ~~in question currently held by it~~, with the name of the bank, bank account number, and the name and purpose of the account in which the moneys ~~in question are~~ were deposited.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

112 CSR 4 Procedure for Deposit of Moneies with the Office by State Agencies

Rule Title:

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

Treasurer's Office

Address:

Bldg. 1, Room E-145
1900 Kanawha Blvd., E.
Charleston, WV 25305

Phone Number:

(304) 558-5000

Email: diana.stout@wvsto.com**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

112 CSR 4 is being updated to conform to West Virginia Code and current practice, as well as make technical corrections. It is not anticipated to have any impact on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

112 CSR 4 Procedure for Deposit of Monies with the Office by State Agencies

Rule Title:

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: June 19, 2013

Signature of Agency Head or Authorized Representative

Diana Jaut