

# WEST VIRGINIA SECRETARY OF STATE

KEN HECHLER

## ADMINISTRATIVE LAW DIVISION

Form #6

FILED

1992 APR 14 AM 8:22

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

### NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AGENCY: W. Va. Board of Investments TITLE NUMBER: \_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES\_\_\_\_, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: V

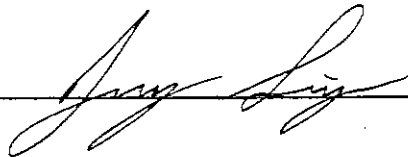
TITLE OF RULE BEING PROPOSED: Procedures for Deposit of Moneys with  
the Board of Investments and Treasurer's Office by State Agencies.

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB-1

SECTION 64-7-3(k), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: April 14, 1992

  
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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
West Virginia State Board of Investments  
State Treasurer's Office

Chapter 12-2  
Series V

Subject: Procedures for Deposit of Moneys with the Board of  
Investments and Treasurer's Office by State  
Agencies.

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
West Virginia State Board of Investments  
State Treasurer's Office

Chapter 12-2  
Series V

Subject: Procedure for Deposit of Moneys with West Virginia  
Board of Investments by State Agencies.

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Section 1. General

1.01. Scope - These rules implement the provisions of  
West Virginia Code §12-2-2.

1.02. Authority - West Virginia Code §12-2-2.

1.03. Purpose - The general purpose of these rules is to  
establish a system whereby moneys received by State agencies,  
officials and employees on behalf of the State of West  
Virginia shall be 1) deposited with the Board of Investments  
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 West Virginia  
Code §12-1-1, wherein the State Board of Investments is  
authorized to develop and maintain modern systems, consistent  
with sound financial practices, for the collection,  
disbursement, management and investment of public moneys.  
These rules also are specifically directed toward implementing  
the Legislature's intent in West Virginia 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 State Board of Investments.

1.04. Filing Date -

1.05. Effective Date -

1.06. Repeal of Former Rule - This Legislative Rule repeals and replaces West Virginia 112 CSR1 "Procedures for Deposit of Funds in the Treasurer's Office by State Agencies" effective July 8, 1981.

## Section 2. Definitions

For purposes of these rules, unless a different meaning clearly is required by the context:

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

"Board" means the West Virginia State Board of Investments;

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

"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;

"Code" means the 1931 code of West Virginia, as amended;

"Fund" means demand deposit account balances the Board has use of;

"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;

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

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

### Section 3. Procedures for Deposits

3.01. Receipts Depositories - State depositories for receipt accounts shall be established by the Board pursuant to the provisions of West Virginia Code §12-1-2 and rules promulgated thereunder. An agency collecting funds shall deposit its collections in a depository designated by the Board to serve as a depository for that agency's receipt accounts.

#### 3.02. Methods for Depositing Funds Due the State -

(a) Checks - An agency shall deposit its check collections by any one or more of the following methods:

(1) The agency's own employees may take the checks directly to the designated receipt depository;

(2) The agency may use the services of a courier or armored car service engaged by the agency to pick up deposits and deliver them to the designated depository;

(3) The agency may use the services of a courier engaged by the Board to pick up deposits from such agency and deliver them to such designated depository; or

(4) The agency may use any other method approved in writing by the Board.

(5) The Board may provide a lock box at the Board's centralized receipts processing center for direct processing of an Agency's receipts.

(b) Cash - An agency shall deposit its cash collections by any one or more of the methods authorized for deposit of checks by the Board. In addition, an agency may use the safekeeping services of a night depository at any bank of the agency's choice.

3.03. Bank Deposit Forms - The agency collecting funds shall make its deposits using a form which shall be prescribed by the Board. The form shall be signed by an officer of the agency.

3.04. Board of Investment's Deposit Forms - Immediately upon making a deposit, the agency shall complete and transmit to the Board a deposit or transmittal form which shall be prescribed by the Board.

3.05. Processing Deposit Forms - The Board shall prescribe the method by which all deposit forms shall be processed.

3.06. Deposit of Funds with the State Treasurer - The Board shall transfer daily all funds from the Board's receipt accounts to the Treasurer's receipt account. The Board shall daily provide the Treasurer a report of general ledger deposits on such forms as prescribed by the Board.

3.07. Redeposit of State Checks - When an agency redeposits State checks, such deposits shall be made either at the designated depository or directly to the Board's office. If made at the designated depository, the procedure shall be the same as with any other deposit. Redeposits, when made directly to the Board's office, shall be made on forms prescribed by the Board to the Board's office together with the checks being redeposited. No other checks shall be entered on the Board's form or commingled with the redeposit of State checks.

3.08. Endorsement of Deposited Checks - Except for redeposits of State checks, all checks received and deposited by agencies shall be endorsed as in the following example:

STATE OF WEST VIRGINIA  
(AGENCY'S NAME)  
FOR DEPOSIT ONLY  
PAY TO THE ORDER OF  
ANY BANK OR BANKER  
NO PROTEST

When a State check is redeposited, the check shall be endorsed 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)

3.09. 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 such debit or credit tickets by such means and on such forms as determined by the Board.

3.10. Frequency of Deposits - The collecting agency shall deposit all receipts daily in the designated depository. No agency may make more than two deposits per day unless prior approval to exceed that number is obtained from the Board.

3.11. Clearing Accounts - The requirements of Subsection §3.10 shall apply to every agency, notwithstanding that at the time of making the deposit the agency may not know the exact general ledger account for preparation of the Board's Deposit Form. In the latter event, the agency shall obtain approval from the State Auditor to use a general ledger clearing account, and such agency shall record its deposits in such general ledger clearing account. When the agency thereafter determines the exact general ledger accounts applicable to the funds deposited in the general ledger clearing account, it shall prepare a Board prescribed "Deposit Collection Transfer Form" and transfer the funds from the general ledger clearing

account to the appropriate general ledger receipt accounts. All copies of said form shall promptly be sent to the Board.

3.12. Applicability of These Rules - It is presumed that 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 West Virginia Code §12-1-2 and of these rules. In the event any agency believes that all or part of these rules may not apply to its operations and collections, or that all or part of the moneys held by it may not be governed by these rules, it shall submit to the Board a written statement of the reasons for such belief. 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 deposited.

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

MAY 1 4 12 PM '93

FILED

TO: Jerry Simpson

AGENCY: Board of Investments

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 19, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 5 TITLE: 113 Board of Investments

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Judy Cooper*

TITLE OF PERSON SIGNING: CHIEF OPERATING OFFICER

DATE: 5/14/93

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

Bill Investments, Deposit 113.5

H. B. 4298

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the

Committee on Finance then the Judiciary)

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10 A BILL to amend and reenact section three, article seven, chapter  
11 sixty-four of the code of West Virginia, one thousand nine  
12 hundred thirty-one, as amended, relating to authorizing the  
13 state board of investments to promulgate legislative rules  
14 relating to procedures for deposit of moneys with the board  
15 of investments and the treasurer's office by state agencies.

16 Be it enacted by the Legislature of West Virginia:

17 That section three, article seven, chapter sixty-four of the  
18 code of West Virginia, one thousand nine hundred thirty-one, as  
19 amended, be amended and reenacted, to read as follows:

20 ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO  
21 PROMULGATE LEGISLATIVE RULES.

22 §64-7-3. Board of investments.

23 (a) The legislative rules filed in the state register on the  
24 third day of January, one thousand nine hundred eighty-four,

1 relating to the state board of investments (selection of state  
2 depositories for disbursement accounts through competitive  
3 bidding), are authorized.

4 (b) The legislative rules filed in the state register on the  
5 third day of January, one thousand nine hundred eighty-four,  
6 relating to the state board of investments (administration of the  
7 consolidated fund), are authorized.

8 (c) The legislative rules filed in the state register on the  
9 ninth day of January, one thousand nine hundred ninety, modified  
10 by the state board of investments to meet the objections of the  
11 legislative rule-making review committee and refiled in the state  
12 register on the twenty-fourth day of January, one thousand nine  
13 hundred ninety, relating to the state board of investments  
14 (administration of the consolidated fund), are authorized.

15 (d) The legislative rules filed in the state register on the  
16 ninth day of January, one thousand nine hundred ninety, modified  
17 by the state board of investments to meet the objections of the  
18 legislative rule-making review committee and refiled in the state  
19 register on the twenty-fourth day of January, one thousand nine  
20 hundred ninety, relating to the state board of investments  
21 (administration of the consolidated pension fund), are  
22 authorized.

23 (e) The legislative rules filed in the state register on the  
24 thirtieth day of November, one thousand nine hundred ninety,  
25 modified by the state board of investments to meet the objections

1 of the legislative rule-making review committee and refiled in  
2 the state register on the seventeenth day of May, one thousand  
3 nine hundred ninety-one, relating to the state board of  
4 investments (procedures for deposit of moneys with the board of  
5 investments and treasurer's office by state agencies), are  
6 authorized.

7 NOTE: The purpose of this bill is to authorize the State  
8 Board of Investments to promulgate legislative rules relating to  
9 procedures for deposit of moneys with the board of investments  
10 and treasurer's office by state agencies.

11  
12 Strike-throughs indicate language that would be stricken from  
13 the present law, and underscoring indicates new language that  
14 would be added.