



State of West Virginia

OFFICE OF THE STATE TREASURER
CHARLESTON, WV 25305

JOHN D. PERDUE
STATE TREASURER

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JERRY SIMPSON
ASSISTANT STATE TREASURER

July 11, 1997

Ms. Judy Cooper
Secretary of State's Office
State Capitol Complex
Charleston, West Virginia 25305

Dear Ms. Cooper:

As requested by the Secretary of State's Office, the State Treasurer's Office is asking the emergency rules filed on May 30, 1997 be withdrawn. The series' to be withdrawn are as follows: series 3, 4, 6, 7, 8, 9, and 10. In the event the rules need to be refiled in an emergency based for a specific case, the State Treasurer's Office retains the right to refile these emergency rules at a later date.

If you have any questions please contact me or Jim McMillon at 558-5000.

Sincerely,

Jerry Simpson
Assistant State Treasurer

c: John Perdue, State Treasurer
Jim McMillon
file

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 11 3 04 PM '97

FILED

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Filing Date

FILED

May 30 4 51 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #7

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: State Treasurer's Office TITLE NUMBER: 112CSR4

CITE AUTHORITY: W.V. Code - Section 12-2-2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 4

TITLE OF RULE BEING FILED AS AN EMERGENCY: Procedure for Deposit of Moneys

with the State Treasurer's Office by State Agencies

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

See Attached

John Perdue
Signature

Use additional sheets if necessary

DATE: 5/30/97

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: State Treasurer's Office

EMERGENCY RULE TITLE: Procedure for Deposit of Moneys with the State
Treasurer's Office by State Agencies (112CSR4)

1. Date of Filing 5/30/97

2. Statutory authority for promulgating emergency rule:
W.V.Code = Section 12-2-2(a)

3. Date of filing of proposed legislative rule: 5/30/97

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
This rule promulgated via Senate Bill 563 adopts new language

5. Has the same or similar emergency rule previously been filed and expired?
N/A

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.
N/A

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

This rule is required according to legislation passed in
Senate Bill 563, effective 4/12/97. Substantial harm to the
public interest could result by operating without this rule.

(See Statement of Circumstances of Proposed Rule)

SUMMARY OF PROPOSED RULE

TITLE 112

LEGISLATIVE RULE

STATE TREASURER'S OFFICE

SERIES 4

PROCEDURE FOR DEPOSIT OF MONEYS WITH THE

STATE TREASURER'S OFFICE BY STATE AGENCIES

This rule establishes 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 State Treasurer's Office within twenty-four hours of receipt, 2) immediately and properly accounted for, and 3) immediately available for investment by the State.

STATEMENT OF CIRCUMSTANCES OF PROPOSED RULE

**TITLE 112
LEGISLATIVE RULE**

STATE TREASURER'S OFFICE

SERIES 4

**PROCEDURE FOR DEPOSIT OF MONEYS WITH THE
STATE TREASURER BY STATE AGENCIES**

This agency approved rule is needed to comply with provisions of W. Va. Code embodied in Senate Bill 563, passed during the 1997 Regular Legislative Session, effective from passage on April 12, 1997. Senate Bill 563 expanded some of the State Treasurer's functions and duties and transferred several functions and duties of the West Virginia State Board of Investments to the State Treasurer's Office. Without this rule, the public interest can be substantially harmed by the loss of public moneys and interest thereon, since no system would be in place to immediately and properly deposit and account for moneys received by the State.

This rule establishes 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 State Treasurer's Office 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, wherein the State Treasurer's Office 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 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 State Treasurer's Office.

**TITLE 112
LEGISLATIVE RULE
STATE TREASURER'S OFFICE**

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

§112-4-1. General.

- 1.1. Scope. -- These rules implement the provisions of W. Va. Code §12-2-2.
- 1.2. Authority. -- W. Va. Code §12-2-2.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

1.5. 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 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, wherein the Office of the State Treasurer 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 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 these rules, 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 thereof, who or which collects moneys due the State;
- 2.2. "Centralized Receipts Processing Center" (CRPC) 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. "Code" means the 1931 code of West Virginia, as amended;
- 2.5. "Fund" means demand deposit account balances the Treasurer has use of;
- 2.6. "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;

2.7. "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

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

§112-4-3. Procedures for Deposits.

3.1. Receipts Depositories - State depositories for receipt accounts shall be established by the Treasurer pursuant to the provisions of W. Va. Code §12-1-2 and rules promulgated thereunder. 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.

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. 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;

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

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

3.2.1.e. Treasurer may provide a lock box at the Treasurer's centralized receipts processing center for direct processing of an Agency's receipts.

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.

3.2.3 Credit Cards - Agencies may accept credit card payments, using any one or more of the methods prescribed by the Treasurer: physical, voice payment system, or written.

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 shall make its deposits using a form which shall be prescribed by the Treasurer.

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

3.5. Redeposit of State Checks - When an agency redeposits State checks, such deposits shall be made either at the designated depository or directly to the Treasurer'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 Treasurer's office, shall be made on forms prescribed by the Treasurer's office together with the checks being redeposited.

3.6. 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)

3.7. 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 such debit or credit tickets by such means and on such forms as determined by the Treasurer.

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

3.9. 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 Treasurer'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 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 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 W. Va. 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 Treasurer 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.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedure for Deposit of Moneys with the State Treasurer's Office by State Agencies (112CSR4)

Type of Rule: Legislative Interpretive Procedural

Agency: State Treasurer's Office

Address: State Capitol, Room E-145
Charleston, West Virginia 25305
Contact Person: Anoop Bhasin - Telephone (304) 341-0704

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

Current staff handles all deposits.

3. Objectives of these rules:

When monies are deposited, the State begins earning interest immediately. The State has an obligation to generate as much interest income as possible on all deposits.

Rule Title: Procedure for Deposit of Moneys with the State Treasurer's Office by State Agencies (112CSR4)

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Additional interest revenue

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: 5/30/97

Signature of Agency Head or Authorized Representative

John Perdue