

Form #3

SECRETARY OF STATE
STATE OF WEST VIRGINIA


Authorized Signature

Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 25, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Diana Stout, General Counsel
State Treasurer's Office, 1900 Kanawha Blvd., E., Bldg. 1,
Room E-145, Charleston, WV 25305
(304) 558-5000 diana.stout@wvsto.com

LEGISLATIVE RULE TITLE: 112 CSR 1 Procedure for Deposit of Funds in the Treasurer's
Office by State Agencies

1. Authorizing statute(s) citation §12-2-2

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 24, 2013

b. What other notice, including advertising, did you give of the hearing?

Proposed Rules were posted on the Treasurer's Office website www.wvsto.com. Notices were
sent to WV Banker's Association, Community Bankers of WV, Bowles Rice McDavid Graff &
Love, the Governor's Office, Department of Revenue, Tax Division, Department of
Administration, FARS and the State Auditor's Office.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

Public Comment Period ended July 24, 2013 at 5:00 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 26, 2013

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Diana Stout, General Counsel

West Virginia State Treasurer's Office

Bldg. 1, Room E-145

1900 Kanawha Blvd., E.

Charleston, WV 25305

Fax: (304) 341-7094

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- g. **IF DIFFERENT FROM ITEM 'F'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

TITLE 112
LEGISLATIVE RULE
STATE TREASURER'S Office

SERIES 1
PROCEDURE FOR DEPOSIT OF FUNDS IN THE TREASURER'S OFFICE
BY STATE AGENCIES

SUMMARY OF PROPOSED RULE

Requesting Repeal of 112 CSR 1 since it is duplicated in 112 CSR 4.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

112 CSR 1 Procedure for Deposit of Funds in the Treasurer's 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 1 is being repealed since it is duplicated in 112 CSR 4. There would be no 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 1 Procedure for Deposit of Funds in the Treasurer's 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

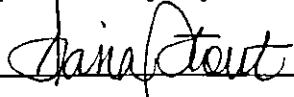
MEMORANDUM

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



RECEIVED

2013 JUL 26 PM 4:19

SECRETARY OF STATE
STATE OF WEST VIRGINIA

~~TITLE 112~~
~~PROCEDURAL RULES~~
~~STATE TREASURER'S OFFICE~~

~~SERIES 1~~
~~PROCEDURE FOR DEPOSIT OF FUNDS IN THE~~
~~TREASURER'S OFFICE BY STATE AGENCIES.~~

~~§112-1-1. General.~~

~~1.1. Scope. These rules implement the provisions of section two, article two, chapter twelve of the Code of West Virginia, 1931, as amended. 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 will be: (1) Deposited in the State Treasurer's Office within twenty-four (24) hours; (2) immediately and properly accounted for; and (3) immediately available for investment by the state rather than lying idle in cash or demand deposits. Such general purpose is in keeping with the legislative findings and purpose set forth in section one, article one, chapter twelve of the Code, wherein the state Board of Investments and the Treasurer are 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 section two, article one, chapter twelve of the Code wherein state officers and employees are prohibited from making or causing deposits of state funds to be made in any bank not designated as a depository by the State Board of Investments.~~

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

~~1.3. Filing Date. June 5, 1981~~

~~1.4. Effective Date. July 8, 1981~~

~~§112-1-2. Definitions.~~

~~2.1. 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 a state agency, and any officer or employee thereof, who or which collects moneys due the state;~~

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

~~—"Check" includes a bank draft, bank wire, money order, cashier's check, check written on the payor's checking account, and any other noncash payment of funds due the state;~~

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

~~—"Receipt Account" means an account in which are deposited moneys belonging to or due the State of West Virginia or any official, department, board, commission, or agency, thereof; and~~

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

~~§112-1-3. Procedures For Deposits.~~

~~—3.1. Receipts depositories. — State depositories for receipts accounts shall be established by the Board pursuant to the provisions of section two, article one, chapter twelve of the Code and rules promulgated thereunder. A collecting agency shall deposit its collections in a depository designated to serve as a depository for that agency's receipts accounts.~~

~~—3.2. Methods for depositing funds due the state:~~

~~—(a) Checks. — An agency may 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 receipts 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 Treasurer 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 Treasurer.~~

~~—(b) Cash. — An agency may deposit its cash collections by any one or more of the methods authorized for deposit of checks. In addition, an agency may use the safekeeping services of a night depository at any bank of the agency's choice. If such night depository service is used, the agency shall on the next business day convert such cash into a cashier's check, which shall be~~

~~deposited in accordance with these rules by one of the methods authorized for deposit of checks.~~

~~3.3. Bank deposit forms. --- The collecting agency shall make its deposits using a five-part "Bank Deposit Form T-0," the form of which shall be prescribed by the Treasurer substantially as set forth on page 1 of the appendix to these rules. The first three (3) digits of the deposit ticket number on said form represent the agency's location number. The last three (3) digits are the deposit ticket number. When making a deposit, the agency shall complete the form items entitled "Cash," "Checks" and the first "Total" item. The form shall be signed by an officer of the depository. The first copy of the form shall be retained by the depository. The depository shall transmit the second and third copies to the Treasurer, who shall in turn transmit said third copy to the Auditor. The fourth copy shall be retained by the agency unit which made the deposit, and the fifth copy shall be transmitted to the agency's main office.~~

~~3.4. Treasurer's office deposit forms. --- Immediately upon making a deposit, the agency shall complete and transmit to the Treasurer a five-part "Treasurer's Office Deposit Form T-1," the form of which shall be prescribed by the Treasurer substantially as set forth on page 2 of the appendix to these rules. The agency shall note on said form the number of the Bank Deposit Form T-0 to which said completed Treasurer's Office Deposit Form T-1 relates. Upon receipt thereof, the Treasurer shall retain the first copy of the Treasurer's Office Deposit Form T-1, transmit the second copy to the Auditor, the third copy to the Department of Finance and Administration, the fourth copy to the agency unit which made the deposit and the fifth copy to the agency's main office.~~

~~ED. NOTE: No appendix to these rules are on file with the Secretary of State.~~

~~3.5. Telephone notification for large deposits. --- Whenever an agency makes a deposit in excess of one hundred thousand dollars (\$100,000), the agency shall notify the Treasurer's Office of such deposit by telephone on the same day.~~

~~3.6. Redeposit of state checks. --- When an agency redeposits state checks, such deposits may 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. When made directly to the Treasurer's Office, the agency shall complete and transmit Treasurer's Office Deposit Form T-1 to the Treasurer's Office together with the checks being redeposited. No other checks should be entered on said form or~~

~~commingled with the redeposit of state checks.~~

~~3.7. 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)~~

~~3.8. 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 use the regular Bank Deposit Form T-0 to record the totals of such debits or credits. The total of debits or credits which relate to adjustments to previous deposits shall be entered in the "Adjustments" item on the form. Negative adjustments shall be denoted by the use of brackets. Any debits for returned checks shall be entered in the "Returned Check" item. These entries shall be added and totaled on the bank deposit form. When the bank deposit form is used for the entry of adjustments or returned checks it shall be signed by an authorized officer or employee of the agency. In the case of debit tickets, the agency, in addition to completing Bank Deposit Form T-0, shall also complete an "Adjustment and Return Check Form T-2" which shall be prescribed by~~

~~the Treasurer substantially in the form set forth on page 3 of the appendix of these rules. Any debit tickets shall be attached to the Adjustment and Returned Check Form T-2 and shall be transmitted to the Treasurer's Office with the completed Bank Deposit Form T-0. In the case of credit tickets, the agency, in addition to completing Bank Deposit Form T-0, shall also complete Treasurer's Office Deposit Form T-1. The credit tickets shall be attached to Treasurer's Office Deposit Form T-1 and transmitted to the Treasurer's Office with the completed Bank Deposit Form T-0. In no case shall regular deposits of receipts be commingled on one (1) bank deposit form with adjustments or returned check items.~~

~~3.9. Frequency of deposits. -- The collecting agency shall deposit all receipts daily in the designated depository. No agency may make more than two (2) deposits per day unless prior approval to exceed that number is obtained from the Treasurer.~~

~~3.10. Clearing accounts. -- The requirements of the preceding section shall apply to every agency, notwithstanding that at the time of making the deposit the agency may not know the exact receipts account for preparation of Treasurer's Office Deposit Form T-1. In the latter event, the agency shall obtain approval from the Auditor to use a clearing account, and such agency shall make its deposits in such clearing account in the designated depository. When the agency thereafter determines the exact receipts accounts applicable to the funds deposited in the clearing account, it shall prepare a "Deposit Collection Transfer Form T-3" and transfer the funds from the clearing account to the appropriate receipts account. All copies of said form shall promptly be sent to the Treasurer. The "Deposit Collection Transfer Form T-3" shall be prescribed by the Treasurer substantially in the form set forth on page 4 of the appendix to these rules.~~

~~3.11. 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 section two, article two, chapter twelve of the Code and of these rules. In the event any agency believes that all or part of these rules should not apply to its operations and collections, or that all or part of the moneys held by it should 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 therewith an itemization and accounting of the moneys in question currently held by it, with the name of the bank, bank account number, and name and purpose of the account.~~