



**WEST VIRGINIA
SECRETARY OF STATE**

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ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 6 -- NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY	Treasurer				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	112-
RULE NAME	Procedure for Deposit of Monies with the Office by State Agencies				04

CITE AUTHORITY §12-2-2

HOUSE OR SENATE BILL NUMBER	SECTION	PASSED ON
4039	§64-9-6(b)	03/08/2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE

Tuesday, July 01, 2014

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Diana Stout -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 112-04



Rule Id: 9165



Document: 25750

**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, 2014.
- 1.4. Effective Date. -- July 1, 2014.

§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 an agency, who or which collects moneys due the State;

2.2. "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;

2.3. "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 which is approved by the Treasurer.

2.4 "Financial institution" means a state or national bank or a state or federal savings and loan association.

2.5. "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;

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

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

§112-4-3. Procedures for Deposits.

3.1. The Treasurer shall, upon request, establish a receipt account for any agency.

3.2. Methods for Depositing –

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 depository;

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

3.2.1.c. An agency may use the Treasurer's lockbox services for direct processing; or

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 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, 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.

3.3. Bank Deposit Forms - The agency collecting 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 are processed.

3.5. Redeposit of State Checks - When an agency desires to redeposit State checks, the agency shall make the redeposit directly to the Treasurer's office.

3.6. Endorsement of Deposited Checks - The Treasurer shall endorse checks in accordance with applicable federal and state law.

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 as directed by and on the forms prescribed by the Treasurer.

3.8. Frequency of Deposits - The collecting agency shall deposit all receipts 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 "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 - All moneys collected or held by agencies in the form of cash, checks, bank accounts, or in any other form, are public moneys subject to the requirements of W. Va. Code §12-1-2 and 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 shall then deposit the 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, with the name of the bank, bank account number, and the name and purpose of the account in which the moneys were deposited.