

1 **Senate Bill No. 572**

2 (By Senator Cookman)

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4 [Introduced March 19, 2013; referred to the Committee on

5 Government Organization.]

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10 A BILL to amend and reenact §12-3-18 of the Code of West Virginia,

11 1931, as amended, relating to claims against counties, school

12 districts or municipalities.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §12-3-18 of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

16 **ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.**

17 **§12-3-18. Itemized statement of claims against counties, school**

18 **districts or municipalities.**

19 ~~It shall be unlawful for~~ Any county court, board of education

20 or the council of a municipal corporation, or other body charged

21 with the administration of the fiscal affairs of any county, school

22 district, independent school district or municipality, ~~to~~ shall pay

23 any properly authorized itemized claim (invoice) for services

1 rendered or materials furnished. Claims are to be paid timely
2 taking advantage of discounts for paying early. All claims shall be
3 defaced when paid. The public bodies as listed above shall be
4 provided a listing of claims paid, at least monthly, indicating the
5 type of service or material furnished. ~~unless an itemized account~~
6 ~~therefor is filed by the claimant covering the claim. Such account~~
7 ~~shall be itemized in detail, and shall show, among other things,~~
8 ~~the following: If the claim is for services, it shall show the~~
9 ~~kind of service, the dates when same was performed and the name of~~
10 ~~the person performing it; if the claim is for material or supplies~~
11 ~~furnished, the claim shall show in detail the kind of material or~~
12 ~~supplies, the quantity, dates of delivery and to whom delivered;~~
13 ~~and if the claim is for road or bridge work or for road or bridge~~
14 ~~material, the amount of which claim is for material in excess of \$5~~
15 ~~or for labor in excess of \$25, the claim shall be verified by the~~
16 ~~affidavit of the person making it, and in such affidavit the person~~
17 ~~making the claim shall be required to state that the services~~
18 ~~performed or materials furnished, as set forth in such claim, were~~
19 ~~actually performed or actually furnished, and that the claim as~~
20 ~~stated is true and correct and that there is justly due to the~~
21 ~~claimant the sum set forth in the account. If any person shall~~
22 ~~swear falsely in the making of such affidavit, he shall be deemed~~
23 ~~guilty of false swearing. The president or presiding officer of~~
24 ~~the fiscal body allowing claims shall indorse on all accounts~~

1 ~~allowed the words "allowed and payment authorized," together with~~
2 ~~the date of allowance and signature of the president or other~~
3 ~~presiding officer.~~

NOTE: The purpose of this bill is to amend the procedures related to payment of claims.

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