

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 544**

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 01, 2022; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §12-1-12 of the Code of West Virginia, 1931, as amended, to allow  
2 interest and earnings on federal COVID-19 relief moneys to be retained in the funds or  
3 accounts where those moneys are invested; and making said amendments retroactive in  
4 application.

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

## **ARTICLE 1. STATE DEPOSITORIES.**

### **§12-1-12. Investing funds in treasury; depositories outside the state.**

1 (a) When the funds in the Treasury exceed the amount needed for current operational  
2 purposes, as determined by the state Treasurer, the state Treasurer shall make all excess funds  
3 available for investment by the board of Treasury Investments which shall invest the excess for  
4 the benefit of the General Revenue Fund: *Provided*, That the state Treasurer, after reviewing the  
5 cash flow needs of the state, may withhold and invest amounts not to exceed \$125 million of the  
6 operating funds needed to meet current operational purposes. Investments made by the state  
7 Treasurer under this section shall be made in short term investments not to exceed five days.  
8 Operating funds means the consolidated fund established in §12-6-8 of this code, including all  
9 cash and investments of the fund.

10 (b) Spending units with authority to retain interest or earnings on a fund or account may  
11 submit requests to the state Treasurer to transfer moneys to a specific investment pool of the  
12 Investment Management Board or the board of Treasury Investments and retain any interest or  
13 earnings on the money invested. The General Revenue Fund shall receive all interest or other  
14 earnings on money invested that are not designated for a specific fund or account.

15 (c) Whenever the funds in the Treasury exceed the amount for which depositories within  
16 the state have qualified, or the depositories within the state which have qualified are unwilling to  
17 receive larger deposits, the state Treasurer may designate depositories outside the state,  
18 disbursement accounts being bid for in the same manner as required by depositories within the  
19 state, and when depositories outside the state have qualified by giving the bond prescribed in

20 §12-1-4 of this code, the state Treasurer shall deposit funds in the same manner as funds are  
21 deposited in depositories within the state under this article.

22 (d) The State Treasurer may transfer funds to financial institutions outside the state to  
23 meet obligations to paying agents outside the state if the financial institution meets the same  
24 collateral requirements as set forth in this article.

25 (e) Notwithstanding subsection (b) of this section, at the direction of the Governor, interest  
26 or earnings on federal moneys received by the state related to the COVID-19 pandemic, including,  
27 but not limited to, moneys received pursuant to the Coronavirus Aid, Relief, and Economic  
28 Security Act and the American Rescue Plan Act, shall be retained in the funds or accounts where  
29 the moneys are invested unless otherwise restricted by federal law or regulation, to be expended  
30 according to funding source restrictions. This subsection shall apply retroactively to the date of  
31 receipt of the federal moneys described in this subsection.

NOTE: The purpose of this bill is to allow interest or earnings on federal COVID-19 relief moneys to be retained in the funds where those moneys are invested.

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