

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2010 JUN 30 PM 1:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia State Treasurer's Office TITLE NUMBER: 112

CITE AUTHORITY: §12-2-2

AMENDMENT TO AN EXISTING RULE: YES NO

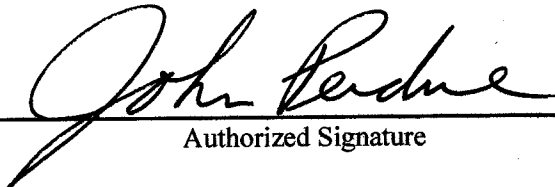
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Establishment of Imprest Funds

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


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: June 30, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Diana Stout, General Counsel, WV State Treasurer's Office
1900 Kanawha Blvd., E. Bldg. 1, Room E-122
Charelston, WV 25305
Ph. (304) 558-5000
diana.stout@wvsto.com

LEGISLATIVE RULE TITLE: Establishment of Imprest Funds

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

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 26, 2010

b. What other notice, including advertising, did you give of the hearing?
None

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 28, 2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached N/A No comments received None

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

June 30, 2010

- 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
1900 Kanawha Blvd., E., Bldg. 1, Room E-122, Charleston, WV 25305
Ph: (304) 558-5000 Fax: (304) 341-7094 Email: diana.stou@wvsto.com

- 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:

June 28, 2010

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 3
ESTABLISHMENT OF IMPREST FUNDS

May 26, 2010

SUMMARY OF PROPOSED RULE:

The purpose of this rule is to set forth procedures for the establishment, operation, monitoring and auditing of imprest funds.

CIRCUMSTANCES WHICH REQUIRE THIS RULE:

This rule, required by W.Va. Code §12-2-2, is being amended to allow for the establishment of imprest funds for automated teller machine (ATM) services at any state agency clarifying cashing checks for students at state colleges and universities in West Virginia and making various technical revisions.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

112-3 Establishment of Imprest Funds

Rule Title: _____

Type of Rule:

Legislative Interpretive Procedural

Agency:

State Treasurer's Office

Address:

Bldg. 1, Room E-122
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.

Revisions to the Establishment of Imprest Funds will have no fiscal impact on the 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

112-3 Establishment of Imprest Funds

Rule Title: _____

Rule Title: _____

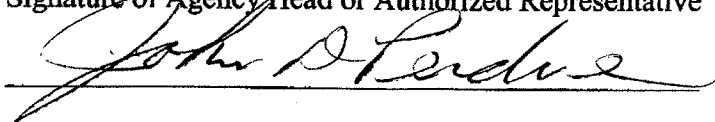
3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

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.

Date: May 26, 2010

Signature of Agency Head or Authorized Representative



FILED

2010 JUN 30 PM 1:44

TITLE 112
LEGISLATIVE RULE

STATE TREASURER'S OFFICE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 3
ESTABLISHMENT OF IMPREST FUNDS

§112-3-1. General.

1.1 Scope. -- This legislative rule implements the provisions of W. Va. Code §12-2-2, which requires the West Virginia State Treasurer to establish and audit imprest funds. The purpose of this rule is to carry out the legislative intent so that the Treasurer may establish, control and audit imprest funds.

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

1.3. Filing Date. -- ~~May 6, 1998.~~

1.4. Effective Date. -- ~~May 7, 1998.~~

1.5. Repeal of former rule -- This legislative rule repeals and replaces ~~W. Va. 112 CSR 3, "Establishment of Imprest Funds," filed March 10, 1984 and effective March 10, 1984~~ May 6, 1998 and effective May 7, 1998.

§112-3-2. Definitions.

For purposes of this rule, unless a different meaning is clearly required by the context:

2.1. "Agency" means and includes any department, board, commission, division, branch office or other separate unit of a state agency, which includes state colleges and universities, and any officer or employee thereof, who or which collects moneys due the state;

2.2. "Imprest Fund" means a cash change fund in a fixed amount maintained at an agency. The fund may also be used for the purpose of providing automated teller machine (ATM) services at any state agency or for cashing checks for students at state colleges and universities in West Virginia; and

2.3. "Treasurer" means the West Virginia State Treasurer or his or her designee from the Treasurer's office.

§112-3-3. Establishment Of Imprest Funds.

~~3.1. Any state agency requiring the establishment of an imprest fund shall make application to the Treasurer on the forms prescribed by him or her. The forms shall indicate the name, purpose, desired balance of the imprest fund, physical location, and the person responsible for the imprest fund as well as the agency name. Upon being satisfied that the application is complete and that the need for the imprest fund is valid, the Treasurer shall notify the agency of the approval for establishment of the imprest fund. The Treasurer shall also notify the State Auditor and Legislative Auditor by sending them copies of a quarterly report listing all funds approved.~~

3.1. Any state agency that desires an imprest fund shall apply to the Treasurer for the establishment of the imprest fund. The application shall be made on forms prescribed by the Treasurer's office. The agency shall include on the forms the name of the state agency, the name and purpose of the imprest fund, the desired balance of the imprest fund, the physical location of the fund and the name of the person responsible for the imprest fund. The Treasurer shall determine whether the application is complete and whether the need for the imprest fund is valid and notify the agency of the decision accordingly.

3.2. Any college or university may get approval from apply to the Treasurer to obtain for the establishment of an imprest fund with for the purpose of providing check-cashing services at that institution, and they If the request for an imprest fund is granted, the college or university may charge fees for the service for each check cashed and for each check returned for insufficient funds. Each institution shall designate certain employees who are to provide the service and have charge of the imprest funds. Any check determined by the Treasurer's Office to be uncollectible shall be charged against the check-cashing imprest fund.

3.3. Any state agency, including a college or university, may apply to the Treasurer for the establishment of an imprest fund for the purpose of providing automated teller machine (ATM) services at any state agency location. If the request for an imprest fund is granted, the agency may charge fees for the ATM services. Each agency shall designate certain employees to provide the service and have charge of the imprest fund.

~~3.3.4. The fees received for the check-cashing or automated teller machine (ATM) services shall be maintained in a separate imprest cash fund and deposited into the imprest fund established by the state agency for that service. The agency shall maintain an itemized account of the receipts shall be maintained generated from all fees. Any check determined by the Treasurer or his or her designee to be uncollectible shall be charged against the fund. If the amount of cash in the imprest fund (after charges for uncollectible checks) exceeds the amount approved by the Treasurer at the conclusion of any audit, then that institution the agency shall deposit the excess to the account from which the imprest fund was established.~~

3.4. ~~Any shortages in the imprest fund due to human error may be corrected by charging them against the fees received for the service.~~

3.5. If, at any time, an agency discovers a shortage in a check-cashing or ATM imprest fund that is attributed to human error, the shortage may be corrected by charging the shortage against fees received for the services. In the event the agency suspects or discovers a shortage in an imprest fund due to theft, the agency shall notify the Treasurer immediately.

§112-3-4. Increasing Or Decreasing The Balance.

Whenever an agency determines that there is a need to increase or decrease the balance of an imprest fund, the agency shall ~~make application~~ apply to the Treasurer for a change in the balance of the imprest fund. The agency shall apply for the change on the forms prescribed by ~~him or her~~ the Treasurer's office. The agency shall state on the forms ~~shall indicate~~ the agency name, name and number of the imprest fund, current authorized balance, requested balance to be authorized, the reasons for the increase or decrease, and the amount of increase or decrease. ~~The Treasurer shall notify the State Auditor and Legislative Auditor by sending them copies of the approved form.~~

§112-3-5. Change Of Person Responsible For The Imprest Fund.

Whenever an agency has a change in personnel responsible for an imprest fund, the agency shall notify the Treasurer of the change on a form prescribed by ~~the Treasurer's office~~ him or her. ~~The form shall indicate~~ agency shall include on the form the agency's name and physical location, the name and number of the imprest fund, the balance of the imprest fund on the date of the change in personnel, the signatures of the person being relieved of responsibility and the person assuming the responsibility for the imprest fund and along with the dates the signatures were affixed. ~~The Treasurer shall notify the Legislative Auditor by sending him or her a copy of the approved form. An audit shall be performed on the date the imprest fund's responsibility is assumed by a new person.~~ The agency shall conduct an audit of the imprest fund on the first day that responsibility for the imprest fund is transferred to another employee. The agency shall submit a copy of the audit to the Treasurer along with the notification of change form. In the event the agency discovers a discrepancy in the fund due to suspected theft, the agency shall notify the Treasurer's office immediately. The Treasurer's office shall advise the Legislative Auditor of the matter and assist in any subsequent investigation or audit.

§112-3-6. Audit And Recordkeeping.

~~The Treasurer or his or her designee shall annually audit all imprest funds. The Treasurer's discovery of any overage in an imprest fund shall be deposited to the account from which the fund was established. The Treasurer's discovery of any shortages in an imprest fund due to human error may be corrected by replenishing the imprest fund or decreasing the imprest fund,~~

~~through the procedures outlined in Section 3 and 4 of this rule, to the approved amount. The Treasurer shall send a copy of the audits to the Legislative Auditor. The Treasurer or his or her designee shall prepare a list of all imprest funds showing the location and amount of each imprest fund as of the fiscal years end, and the Treasurer shall retain the list of imprest funds as a permanent record of the Treasurer's Office until such time as the Legislative Auditor completes an audit of the imprest funds of all agencies and institutions involved.~~

6.1. The Treasurer or his or her designee shall audit all imprest funds annually. If the audit reveals an overage in an imprest fund, the overage shall be deposited to the account from which the fund was established. If the audit reveals a shortage in an imprest fund due to human error, the shortage may be corrected by replenishing the imprest fund with monies transferred from the account from which the impressed fund was established in an amount sufficient to maintain the approved balance. The Treasurer, in his or her discretion, may decrease the approved amount of an imprest fund at any time. The Treasurer shall forward a copy of each annual audit to the Legislative Auditor. In the event the Treasurer's office determines that any shortage in the imprest fund is due to suspected theft, the Treasurer's office shall advise the Legislative Auditor of the matter and assist in any subsequent investigation or audit.

6.2 The Treasurer, or his or her designee, shall prepare a list of all approved imprest funds. The list shall state the name of the fund, the location and the amount of each imprest fund as of the end of each fiscal year. The Treasurer shall retain the list of imprest funds as a permanent record of the Treasurer's office until such time as the Legislative Auditor completes an audit of the imprest funds of all state agencies.