



State of West Virginia
OFFICE OF THE STATE TREASURER
CHARLESTON, WV 25305

JOHN D. PERDUE
STATE TREASURER

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JERRY SIMPSON
ASSISTANT STATE TREASURER

July 11, 1997

Ms. Judy Cooper
Secretary of State's Office
State Capitol Complex
Charleston, West Virginia 25305

Dear Ms. Cooper:

As requested by the Secretary of State's Office, the State Treasurer's Office is asking the emergency rules filed on May 30, 1997 be withdrawn. The series' to be withdrawn are as follows: series 3, 4, 6, 7, 8, 9, and 10. In the event the rules need to be refiled in an emergency based for a specific case, the State Treasurer's Office retains the right to refile these emergency rules at a later date.

If you have any questions please contact me or Jim McMillon at 558-5000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Simpson".

Jerry Simpson
Assistant State Treasurer

c: John Perdue, State Treasurer
Jim McMillon
file

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 11 3 04 PM '97

FILED

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

Filing Date

FILED

MAY 30 4 46 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: State Treasurer's Office TITLE NUMBER: 112CSR3

CITE AUTHORITY: W.V. Code - Section 12-2-2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 3

TITLE OF RULE BEING FILED AS AN EMERGENCY: Establishment of Imprest Funds

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

See Attached

Use additional sheets if necessary


Signature

DATE: 5/30/97

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: State Treasurer's Office

EMERGENCY RULE TITLE: Establishment of Imprest Funds (112CSR3)

1. **Date of Filing** 5/30/97

2. **Statutory authority for promulgating emergency rule:**

W.V.Code - Section 12-2-2

3. **Date of filing of proposed legislative rule:** 5/30/97

4. **Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?**

This rule promulgated via Senate Bill 563 adopts new language.

5. **Has the same or similar emergency rule previously been filed and expired?**

N/A

6. **State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.**

N/A

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

This rule is required according to legislation passed in Senate Bill 563, effective 4/12/97. Substantial harm to the public interest could result by operating without this rule.

(See Statement of Circumstances of Proposed Rule)

SUMMARY OF PROPOSED RULE

TITLE 112

LEGISLATIVE RULE

STATE TREASURER'S OFFICE

SERIES 3

ESTABLISHMENT OF IMPREST FUNDS

"Imprest Fund" means a cash change fund in a fixed amount maintained at an agency. Such fund may also be used for the purpose of cashing checks for students at state colleges and universities in West Virginia.

This rule implements the provisions of section two, article two, chapter twelve of the Code of West Virginia, 1931, as amended, wherein the State Treasurer is required to establish and audit imprest funds. This rule carries out the legislative intent, as stated in the aforementioned Code section, so that the State Treasurer may establish, control, and audit imprest funds.

STATEMENT OF CIRCUMSTANCES OF PROPOSED RULE

TITLE 112

LEGISLATIVE RULES

STATE TREASURER'S OFFICE

SERIES 3

ESTABLISHMENT OF IMPREST FUNDS

This agency approved rule is needed to comply with provisions of W. Va. Code embodied in Senate Bill 563, passed during the 1997 Regular Legislative Session, effective from passage on April 12, 1997. Senate Bill 563 expanded some of the State Treasurer's functions and duties and transferred several functions and duties of the West Virginia State Board of Investments to the State Treasurer's Office. Without this rule, the public interest can be substantially harmed by the loss of public moneys, since there would be no system in place to establish or control imprest funds.

"Imprest Fund" means a cash change fund in a fixed amount maintained at an agency. Such fund may also be used for the purpose of cashing checks for students at state colleges and universities in West Virginia. When such funds are necessary to be established, sound cash management requires the control and audit of such imprest funds.

This rule implements the provisions of section two, article two, chapter twelve of the Code of West Virginia, 1931, as amended, wherein the State Treasurer is required to establish and audit imprest funds. This rule carries out the legislative intent, as stated in the aforementioned Code section, so that the State Treasurer may establish, control, and audit imprest funds.

**TITLE 112
LEGISLATIVE RULE
STATE TREASURER'S OFFICE**

**SERIES 3
ESTABLISHMENT OF IMPREST FUNDS**

§112-3-1. General.

1.1. Scope. -- These legislative rules implement the provisions of section two, article two, chapter twelve of the Code of West Virginia, 1931, as amended, wherein the State Treasurer is required to establish and audit imprest funds. The purpose of these rules is to carry out the legislative intent, as stated in the aforementioned Code section, so that the State Treasurer may establish, control, and audit imprest funds.

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

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of former rule -- This legislative rule repeals and replaces WV 112CSR3 "Establishment of Imprest Funds" filed March 10, 1984 and effective March 10, 1984.

§112-3-2. Definitions.

For purposes of these rules, 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, and any officer or employee thereof, who or which collects moneys due the state;

2.2. "Code" means the 1931 Code of West Virginia, as amended;

2.3. "Imprest Fund" means a cash change fund in a fixed amount maintained at the agency. Such fund may also be used for the purpose of cashing checks for students at state colleges and universities in West Virginia; and

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

112-3-3. Establishment Of Imprest Funds.

Any state agency requiring the establishment of an imprest fund shall make application to the State Treasurer on the forms prescribed by him. Such forms shall indicate the name, purpose, desired balance of, 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 State Treasurer shall notify the agency of the approval for establishment of the imprest fund. By sending copies of the approval notice, he shall also notify the State Auditor and Legislative Auditor.

Any college or university with the approval of the Treasurer may provide a check-cashing service at that institution and may charge fees for such service for each check cashed and for each check returned for

insufficient funds. That institution shall designate certain employees who are to provide the service and have charge of such funds.

The fees received for such service shall be maintained separate from the cash fund and an itemized account of such receipts shall be maintained. Any check determined by the Treasurer or his designee to be uncollectible shall be charged against the fund. If the amount of cash fund (after charges for uncollectible checks) exceeds established amount at the conclusion of any audit, the institution shall deposit such excess to the account from which the fund was established.

Any shortages due to human error may be corrected by charging them against the fees received for such service.

§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 to the State Treasurer on the forms prescribed by him. Such forms shall indicate the agency name, name of the imprest fund, current authorized balance, requested balance to be authorized, the reasons therefore, and the amount of increase or decrease. By sending copies of the approved form, the Treasurer shall notify the State Auditor and Legislative Auditor.

§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 him. Such form shall indicate the agency name, name 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, along with the dates said signatures were affixed. By copy of the approved form, the Treasurer shall notify the Legislative Auditor.

§112-3-6. Audit And Recordkeeping.

The Treasurer or his designee shall annually audit all imprest funds. Any overage shall be deposited to the account from which the fund was established. Any shortages due to human error may be corrected by replenishing the fund through the procedures from Section 4 of these rules to increase the fund to the correct amount. He shall send a copy of such audits to the Legislative Auditor. The Treasurer or his designee shall prepare a list of all imprest funds showing the location and amount as of fiscal year end, retaining such list as a permanent record of the Treasurer's Office until such time as the Legislative Auditor shall have completed an audit of the imprest funds of all agencies and institutions involved.

Rule Title: Establishment of Imprest Funds (112CSR3)

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Current staff will perform audits, therefore no additional economic impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 5/30/97

Signature of Agency Head or Authorized Representative

John Perdue