

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

**SERIES 3
ESTABLISHMENT OF IMPREST FUNDS**

Promulgation History

Filed for hearing	May 30, 1997
Hearing held	June 30, 1997
Filed emergency rule	May 30, 1997
Withdrew emergency rule	July 11, 1997
Agency approved rule filed with Secretary of State	July 3, 1997
Modified and approved by Legislative Rule Making Committee	August 22, 1997 September 14, 1997
Filed with Legislative Rule Making Committee	September 25, 1997
Filed with Legislative Rule Making Committee	September 25, 1997
Approved in S.B. 329	March 14, 1998
Final filed	May 6, 1998
Effective date	May 7, 1998

TITLE 112
LEGISLATIVE RULE
STATE TREASURER'S OFFICE

SERIES 3
ESTABLISHMENT OF IMPREST FUNDS

FILED
MAY 6 3 34 PM '98
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§112-3-1. General.

1.1. Scope. -- This legislative rule implements the provisions of W.Va. Code § 12-2-2 which requires the 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. 112CSR3 "Establishment of Imprest Funds" filed March 10, 1984 and effective March 10, 1984.

§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 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.

3.2. Any college or university may get approval from Treasurer to obtain an imprest fund with check-cashing services at that institution and they 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.

3.3. The fees received for the services shall be maintained in a separate imprest cash fund and an itemized account of the receipts shall be maintained. 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 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.

§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 Treasurer on the forms prescribed by him or her. The forms shall indicate the agency name, name 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 him or her. The form shall indicate 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, 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.

§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.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: State Treasurer's Office

Subject: Establishment of Imprest Funds, 112CSR3

PERTINENT DATES

Filed for public comment: May 30, 1997
Public comment period ended: June 30, 1997
Filed following public comment period: July 3, 1997
Filed LRMRC: July 7, 1997
Filed as emergency: May 30, 1997

Fiscal Impact: \$25,650 increase

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AUG 13 9 31 AM '97

FILED

ABSTRACT

The proposed rule repeals and replaces a current legislative rule. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 allows any state agency to request approval from the Treasurer to create an imprest fund. A college or university may create an imprest fund to provide a check cashing service for which they may charge fees.

Section 4 allows an agency to increase or decrease the balance of an imprest fund upon approval of the Treasurer.

Section 5 requires an agency to notify the Treasurer when there is a change in personnel responsible for the imprest fund.

Section 6 requires the Treasurer to annually audit all imprest funds and maintain a list of all imprest funds and their location until an audit is completed by the Legislative Auditor.

AUTHORITY

Statutory authority: W.Va. Code, §12-2-2, which provides, in part, as follows:

...(d) The state treasurer shall have authority to establish an imprest fund or funds in the office of any state agency or institution making proper application to the board. To implement this authority, the treasurer shall propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code. The treasurer or his or her designee shall annually audit all funds and prepare a list of all such funds showing the location and amount as of fiscal year end, retaining the list as a permanent record of the treasurer until the legislative auditor has completed an audit of the imprest funds of all agencies and institutions involved...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Yes. The proposed rule is unclear as to whether all of the provisions of the proposed rule are applicable to all state agencies and colleges and universities or whether some provisions only apply to the state agencies and others to the colleges and universities.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.

6187

112-3

1 Bill-Rad Tech, F

H. B. 4219

2

(By Delegates Hunt, Linch, Compton, Jenkins,
Faircloth and Riggs)

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[Introduced January 30, 1998; referred to the
Committee on Finance then the Judiciary.]

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9

10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section twenty, relating to
14 authorizing the board of examiners of radiologic
15 technology to promulgate a legislative rule relating
16 to a schedule of fees for services rendered.

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

18 That article nine, chapter sixty-four of the code of
19 West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended by adding thereto a new section,
21 designated section twenty, to read as follows:

22 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**
23 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

4.8.97

1 The legislative rule filed in the state register on
2 the third day of July, one thousand nine hundred
3 ninety-seven, under the authority of section two, article
4 two, chapter twelve, of this code, modified by the
5 treasurer to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the twenty-fifth day of September, one thousand
8 nine hundred ninety-seven, relating to the treasurer
9 (establishment of imprest funds, 112 CSR 3), is authorized.

10

11 NOTE: The purpose of this bill is to authorize the
12 Treasurer to promulgate a legislative rule relating to the
13 Establishment of Imprest Funds.

14

15 This section is new; therefore, strike-throughs and
16 underscoring have been omitted.

112-3

Senate Bill No. 351

1 (By Senator(s) Ross, Anderson, Bowman,
2 Macnaughtan, Boley and Buckalew)

3 [Introduced January 30, 1998; referred to the
4 Committee on Government Organization; then to
5 the Committee on Finance; and then to the
6 Committee on the Judiciary.]

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10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section twenty, relating to
14 authorizing the treasurer to promulgate a legislative
15 rule relating to the establishment of imprest funds.

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

17 That article nine, chapter sixty-four of the code of
18 West Virginia, one thousand nine hundred thirty-one, as
19 amended, be amended by adding thereto a new section,
20 designated section twenty, to read as follows:

21 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**
22 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

23 **§64-9-20. Treasurer.**

1 The legislative rule filed in the state register on
2 the third day of July, one thousand nine hundred
3 ninety-seven, under the authority of section two, article
4 two, chapter twelve, of this code, modified by the
5 treasurer to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the twenty-fifth day of September, one thousand
8 nine hundred ninety-seven, relating to the treasurer
9 (establishment of imprest funds, 112 CSR 3), is authorized.

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11 NOTE: The purpose of this bill is to authorize the
12 Treasurer to promulgate a legislative rule relating to the
13 Establishment of Imprest Funds.

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15 This section is new; therefore, strike-throughs and
16 underscoring have been omitted.