

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

FILED

May 6 3 33 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia State Treasurer TITLE NUMBER: 112

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 NEW RULE BEING PROPOSED: Series 8


TITLE OF RULE BEING PROPOSED: 112 - Procedures for Processing Payments
from the State Treasury

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 329

SECTION 64-9-28, PASSED ON March 14, 1998

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 7, 1998


Authorized Signature

\$2.40

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

**SERIES 8
PROCEDURES FOR PROCESSING PAYMENTS
FROM THE STATE TREASURY**

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
Filed modifications	August 28, 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 8
PROCEDURES FOR PROCESSING PAYMENTS
FROM THE STATE TREASURY

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§112-8-1. General.

1.1. Scope. -- This rule implements the provisions of W.Va. Code §12-3-1 et seq., which require the Treasurer's Office to develop procedures for processing payments from the State Treasury.

1.2. Authority. - W.Va. Code §12-3-1.

1.3. Filing Date. -- May 6, 1998

1.4. Effective Date. -- May 7, 1998

1.5. General Purpose -- The purpose of this rule is to carry out the legislative intent as stated in W.Va. Code §12-3-1, so that all warrants issued by the State Auditor on the Treasury are processed by the Treasurer in accordance with the requirements of W. Va. Code §12-3-1.

§112-8-2. Definitions.

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

2.1. "Auditor" means the State Auditor of West Virginia;

2.2. "Bank" means the disbursement bank selected by the Treasurer to process all checks issued by the State of West Virginia;

2.3. "Check" means a warrant issued by the Auditor and endorsed by the Treasurer directing the Treasurer's disbursement bank to pay money as instructed;

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

2.5. "Warrant" means an authorization by the State Auditor authorizing the Treasurer to pay an obligation of the State.

§112-8-3. Procedures for Processing State Warrants and Checks.

3.1. Check Processing by the Treasurer - Upon receipt by the Treasurer of a warrant issued by the Auditor, the Treasurer shall ascertain whether there are sufficient funds in the treasury to pay that warrant. If the Treasurer finds there are sufficient funds in the treasury to pay the warrant, he or she shall endorse the warrant. If this requirement is met, the Treasurer shall endorse the warrant directing the Treasurer's disbursement bank to pay the money as instructed. The Auditor shall provide the Treasurer a daily listing of all warrants issued. This listing shall be in paper form, electronic media, or any other form as determined by the Treasurer.

3.2. Check Processing by the Disbursement Bank - The disbursement bank shall process all checks issued by the Treasurer in accordance with the requirements of the contract for the disbursement account. The disbursement bank shall provide the Treasurer a daily listing of all checks paid. Also, the disbursement bank shall provide the Treasurer the total dollar amount of checks paid by the bank each day. Each day, the Treasurer shall transfer to the disbursement account from his or her receipt account, an amount sufficient to cover all checks paid.

3.3. Reconciliation of the Disbursement Bank Account - The disbursement bank shall reconcile the disbursement account in accordance with the requirements of the disbursement account contract. After the Treasurer has verified the disbursement bank reconciliation, the disbursement bank shall provide the Treasurer with a list of all outstanding checks.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: State Treasurer's Office
 Subject: Procedures for Processing Payments From the State
 Treasury, 112CSR8

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: None

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

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ABSTRACT

The proposed rule is new. 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 provides that when the Treasurer receives a warrant issued by the Auditor, he or she is to determine if the warrant is drawn pursuant to an appropriation made by law. If it is, the Treasurer is to endorse the warrant directing the disbursement bank to pay the money. The Auditor is required to provide to the Treasurer, a daily listing of all checks issued.

This section also requires the disbursement bank to process all checks in accordance with the contract for the disbursement account and to provide the Treasurer with a daily listing of all checks that have been paid.

Finally, this section requires the disbursement bank to reconcile the disbursement account. After the reconciliation is verified by the Treasurer, the disbursement bank is to provide the Treasurer with a list of all outstanding checks.

AUTHORITY

Statutory authority: W.Va. Code, §12-3-1, which provides, in part, as follows:

...The treasurer shall propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the procedure for such payments from the treasury.

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?

Yes. The proposed rule requires the Treasurer to determine in the warrant is legally drawn. WVC §12-3-1, requires that the Auditor make this determination and requires the Treasurer only to determine if there are sufficient monies in the Treasury to pay the warrant.

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?

No.

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.

Senate Bill No. 353

112-8

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

3 [Introduced January 30, 1998; referred to the
4 Committee on Finance; and then to the Committee
5 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 procedures for processing
16 payments from the state treasury.

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.**

1 §64-9-20. Treasurer.

2 The legislative rule filed in the state register on
3 the third day of July, one thousand nine hundred
4 ninety-seven, under the authority of section one, article
5 three, chapter twelve, of this code, modified by the
6 treasurer to meet the objections of the legislative
7 rule-making review committee and refiled in the state
8 register on the twenty-eighth day of August, one thousand
9 nine hundred ninety-seven, relating to the treasurer
10 (procedures for processing payments from the state
11 treasury, 112 CSR 8), is authorized.

12

13 NOTE: The purpose of this bill is to authorize the
14 Treasurer to promulgate a legislative rule relating to the
15 Procedures for Processing Payments From the State Treasury.

16 This section is new; therefore, strike-throughs and
17 underscoring have been omitted.
18

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112-8

H. B. 4211

1 Bill-Trea

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

3

4

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

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