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WEST VIRGINIA LEGISLATURE 701 OCT 22 A 9:20
Legislative Rule-Making Review Committee

WEST VIRGINIA
SECRETARY OF STATE

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October 21, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Carrie Chambers
Auditor, Office of the State
Capitol Complex
Building 1, Room W-100

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Standards for Requisitions for Payment Issued by State Officers on the Auditor, 155CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Office of the State Auditor

Subject: Standards for Requisitions for Payment Issued By State Officers on the Auditor, 155CSR1

PERTINENT DATES

Filed for public comment: June 6, 2002
Public comment period ended: July 8, 2002
Filed following public comment period: July 25, 2002
Filed LRMRC: July 25, 2002
Filed as emergency: June 6, 2002

Fiscal Impact: Annual increase of \$127,675

SECRETARY OF STATE
COMMONWEALTH OF VIRGINIA

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ABSTRACT

The proposed rule amends a current legislative rule. The amendments were required by the passage of Enrolled House Bill No. 3034, which passed the Legislature on March 7, 2002. The following is a synopsis of the substantive amendments.

Section 2 defines terms. It has been amended to add definitions for the terms "commodities", "internally generated document", "purchasing card", "receiving report" and "spending unit".

Section 3 relates to invoice requirements. It has been amended to require that all invoices submitted to the Auditor contain all receiving reports which correspond to any and all commodities submitted for payment on the invoice.

Section 4 relating to receiving report requirements is new. It requires that state agencies prepare a receiving report within 24 hours after the receipt of commodities. It requires that the receiving reports contain an item description for each type of

commodity received as well as the quantity of each type received and the date the commodities were received. All receiving reports must contain the original signature of an authorized individual acknowledging both receipt of the commodities and the fact that the commodities are acceptable for payment. Requisitions that do not include a receiving report must be certified by the chief financial officer, or department or agency administrator, or as determined by the Auditor in emergency situations.

AUTHORITY

Statutory authority: W.Va. Code, §12-3-10f, which provides, in part, as follows:

...The state auditor shall propose rules for legislative approval in accordance with provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this section...

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?

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 PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.