



**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee**

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August 16, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Paul Mollohan  
Office of the State Auditor  
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, 155CSRI**

OFFICE OF THE ATTORNEY GENERAL  
SECRETARIAT OF STATE

AUG 17 11 28 AM '99

FILED

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 Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.



ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** Office of the State Auditor

**Subject:** Standards for Requisitions for Payments Issued by State Officers on the Auditor, 155CSR1

PERTINENT DATES

Filed for public comment: June 22, 1999  
Public comment period ended: July 23, 1999  
Filed following public comment period: August 3, 1999  
Filed LRMRC: August 3, 1999  
Filed as emergency:

Fiscal Impact: None

OFFICE OF THE STATE AUDITOR  
SECRETARY OF STATE

AUG 4 9 07 AM '99

FILED

ABSTRACT

The proposed rule amends a current legislative rule. The proposed rule provides for written and electronic authorization and written, printed or electronic documentation and requests. The proposed rule also provides for manual or electronic stamping of invoices. Finally, the proposed rule provides that all contracts and change orders must be approved by the Attorney General as to form if changes are made to contract terms and conditions.

AUTHORITY

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

**§12-3-10.**

The auditor shall propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code, to govern the form and

manner by which claims shall be itemized for payment.

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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 PROVISION OF THE CODE?**

No. The proposed rule, as filed, did not contain a summary of the proposed rule, a statement of circumstances requiring the proposed rule or a fiscal note.

**VIII. OTHER.**

Counsel has technical modifications to suggest.

