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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #7

Effective Date

Sept 9, 1996

**NOTICE OF AN EMERGENCY RULE**

AGENCY: West Virginia State Auditor's Office TITLE NUMBER: 155

CITE AUTHORITY: WV Code §12-3-10

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: 1

TITLE OF RULE BEING FILED AS AN EMERGENCY: Standards for Requisitions for Payment

Issued by State Officers on the Auditor

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

  
Signature

Use additional sheets if necessary

4.80

On March 9, 1996, House Bill 4637 was passed by the West Virginia Legislature. Such bill amended W. Va. Code § 12-3-10 by deleting all general provisions concerning itemization of claims against the state. Thereafter, the Legislature further amended W. Va. Code § 12-3-10 by authorizing the State Auditor to promulgate rules containing specific form and manner requirements with regard to the payment of such claims. These rules accomplish such legislative mandate.

House Bill 4637 became law on June 7, 1996. Therefore, all statutory provisions that the Auditor and state agencies relied upon for instruction with regard to the payment of claims ceased to exist on that date. To fill that void until such time as the State Auditor can promulgate legislative rules through the normal rule-making process, the State Auditor submits these emergency rules. Again, such emergency rules are submitted to establish form and manner requirements for payment of claims against the state and are necessary for the orderly and efficient operation of state government.

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia State Auditor

EMERGENCY RULE TITLE: Standards for Requisitions for Payment Issued by State  
Officers on the Auditor

1. Date of Filing July 29, 1996

2. Statutory authority for promulgating emergency rule:

WV Code §12-3-10

3. Date of filing of proposed legislative rule: July 29, 1996

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

Emergency rule is new rule.

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

No

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.

See attached

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.

Not applicable

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

See attached

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On March 9, 1996, House Bill 4637 was passed by the West Virginia Legislature. Such bill amended W. Va. Code § 12-3-10 by deleting all general provisions concerning itemization of claims against the state. Thereafter, the Legislature further amended W. Va. Code § 12-3-10 by authorizing the State Auditor to promulgate rules containing specific form and manner requirements with regard to the payment of such claims. These rules accomplish such legislative mandate.

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**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Standards for Requisitions for Payment Issued by State Officers on the Auditor

**Type of Rule:**  **Legislative**     **Interpretive**     **Procedural**

**Agency** West Virginia State Auditor's Office

**Address** State Capitol Building, Room W100  
Charleston WV 25305

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THIRDCAPPER
<b>ESTIMATED TOTAL COST</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
<b>PERSONAL SERVICES</b>	0	0	0	0	0
<b>CURRENT EXPENSE</b>	0	0	0	0	0
<b>REPAIRS &amp; ALTERNATIONS</b>	0	0	0	0	0
<b>EQUIPMENT</b>	0	0	0	0	0
<b>OTHER</b>	0	0	0	0	0

**2. Explanation of above estimates:**

The proposed rule merely provides specific detail with regard to the form and manner of payment requisitions. Such rule largely codifies existing practice at the State Auditor's Office and will not cause any additional expense.

**3. Objectives of these rules:**

To establish specific standards for the form and manner of requisitions for payment of claims issued by State offices on the State Auditor.

**Rule Title:** Standards for Requisitions for Payment Issued by State Officers on the Auditor

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

None

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

None

**C. Economic Impact on Citizens/Public at Large.**

None

**Date:** 7-29-96

**Signature of Agency Head or Authorized Representative**

*Sam B. Jarama*

WEST VIRGINIA STATE AUDITOR  
EMERGENCY RULES  
STANDARDS FOR REQUISITIONS FOR PAYMENT  
ISSUED BY STATE OFFICERS ON THE AUDITOR

SUMMARY OF PROPOSED EMERGENCY RULE AND  
STATEMENT OF CIRCUMSTANCES CONSTITUTING EMERGENCY

On March 9, 1996, House Bill 4637 was passed by the West Virginia Legislature. Such bill amended W. Va. Code § 12-3-10 by deleting all general provisions concerning itemization of claims against the state. Thereafter, the Legislature further amended W. Va. Code § 12-3-10 by authorizing the State Auditor to promulgate rules containing specific form and manner requirements with regard to the payment of such claims. These rules accomplish such legislative mandate.

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JUL 29 2 10 PM '96

TITLE 155  
EMERGENCY RULES  
WEST VIRGINIA STATE AUDITOR

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 1  
STANDARDS FOR REQUISITIONS FOR PAYMENT  
ISSUED BY STATE OFFICERS ON THE AUDITOR

**§155-1-1. General.**

1.1. Scope. -- This emergency rule establishes standards for the form and content of requisitions for payment issued by state officers on the Auditor.

1.2. Authority. -- W.Va. Code § 12-3-10.

1.3. Filing Date. -- July 29, 1996.

1.4. Effective Date. -- \_\_\_\_\_.

**§155-1-2. Definitions.**

2.1. Auditor. -- The Auditor of the State of West Virginia.

2.2. Authorized signature. -- The signature of a person authorized by the Department of Administration to certify that state agency funds are available to process the relevant transaction.

2.3. Certify. -- To authenticate or verify that pertinent information is true and accurate by affixation of an authorized signature.

2.4. Change order. -- An amendment to an original purchasing contract.

2.5. Coversheet. -- A document initiated by WVFIMS to accompany all requisitions submitted to the Auditor for payment.

2.6. Invoice. -- Documentation issued by a vendor reflecting the merchandise or service delivered or provided and the cost of such merchandise or service.

2.7. Open-end contract. -- A contract that has no determined quantity or encumbrance.

2.8. Statewide contract. -- A contract that is open to all state agencies and has no set encumbrance.

2.9. West Virginia Financial Information Management Systems (WVFIMS). -- The centralized accounting systems used by all state agencies for processing financial transactions and maintained by the Department of Administration and the Auditor.

2.10. WVFIMS financial code components. -- The accounting code scheme used in WVFIMS which provides financial information necessary for the processing of financial transactions. Such code components are required on all coversheets submitted to the Auditor. Such code components are:

2.10.a. FUND. -- A self-balancing set of accounts containing assets, liabilities, fund balance, revenue and expenditure accounts.

2.10.b. FISCAL YEAR (FY). -- Represents the fiscal year in which an appropriation was authorized by the Legislature.

2.10.c. ORGANIZATION (ORG). -- The organizational entity which has management responsibility for a fund.

2.10.d. ACTIVITY (ACT). -- Represents the activity code corresponding to budgetary line items in the Legislative Budget.

2.10.e. OBJECT (OBJ). -- Represents the object code indicating what commodity or service was acquired by the expenditure.

2.10.f. SOURCE. -- For revenue accounts, the source code indicates the type of revenue.

### **\$155-1-3. Invoice requirements.**

3.1. Itemization. -- All invoices submitted to the Auditor for payment shall contain the following:

3.1.a. An item description indicating the type of materials, supplies or service provided.

3.1.b. An invoice/order date and the date(s) of service, if the item to be paid is a service.

3.1.c. Any additional information required by the Auditor.

3.2. "Miscellaneous" itemization. -- Invoices indicating "miscellaneous" as itemization are not acceptable for payment.

3.3. Credits. -- Invoices including credits shall not require credit memos if the credit is identified on the invoice.

3.4. Previous balances. -- Invoices including a previous balance shall require documentation before the previous balance may be paid. This requirement excludes metered utilities.

3.5. Vendor information. -- All invoices submitted to the Auditor shall have an invoice coversheet containing the same vendor name as that contained on the invoice. If the vendor name on the coversheet and the invoice are not the same, then the invoice must reflect that the vendor name on the invoice is that of a division, branch, subsidiary, or is a d/b/a name of the vendor name contained on the invoice coversheet. Letters of assignment shall be accepted for payments made in care of financial institutions.

3.6. Original invoice. -- All invoices submitted to the Auditor shall be an original or a certified original. Original invoices shall be deemed to be the following:

3.6.a. Wholly original invoices.

3.6.b. Invoices in which the body is wholly original; the body being that section of the invoice which contains the itemization, quantity and price.

3.6.c. Invoices reflecting that the invoice is an original, customer copy, remittance copy or billing copy, and in which the body is wholly original.

3.6.d. Computer generated invoices.

3.6.e. Original invoices which are handwritten, typewritten or created in whole, or in part, by a manual stamping device.

3.6.f. Wholly original debt service documents, court orders, electronic funds transfer documents, and liens.

3.7. Original invoice certification. -- Any invoice requiring original certification may be certified by the agency

receiving the invoice. Those invoices which require original certification are as follows:

3.7.a. Faxed or photocopied invoices.

3.7.b. Invoices which reflect that they are revised, duplicate or second billing invoices.

3.7.c. Non-original invoices which are typewritten, handwritten, or created in whole, or in part, by a manual stamping device.

3.8. Coversheet/Invoice certification. -- All requisitions submitted to the Auditor shall have an authorized signature on the face of the document.

3.9. Invoice date stamp requirement. -- In order to comply with W. Va. Code § 5A-3-54, the Prompt Pay Act of 1990, the Auditor shall require that all invoices be date stamped upon receipt by the state agency. If goods are received prior to the receipt of an invoice for such goods, the affixation of a date stamp on the invoice indicating the date the invoice was received shall meet the requirement of this rule. Invoices received prior to the receipt of the relevant goods, shall be date stamped a second time indicating the date the goods were received. In the absence of a second date stamp indicating that the goods were received after receipt of the invoice, the Auditor shall determine the interest due the vendor by referring to the date of receipt of the invoice. Invoices for services shall not require a second date stamp insofar as the date(s) of service reflected on the invoice shall constitute prima facie proof of the date(s) the services were received.

#### **§155-1-4. Contract invoice requirements.**

4.1. Itemization. -- All invoices submitted to the Auditor for payment against a contract shall contain the following:

4.1.a. An item description, including, but not limited to, model number(s), quantity and unit price, indicating the type of materials, supplies or service. Such materials, supplies or service shall be of the type covered under the contract and the description thereof shall not conflict with the description contained in the contract.

4.1.b. The date(s) of service, if the item to be paid is service. Such date(s) shall fall within the contract period.

4.2. Vendor information. -- All invoices submitted to the Auditor for payment against a contract shall have an invoice coversheet containing the same vendor name as that contained on the invoice. If the vendor name on the coversheet and the invoice are not the same, then the agency shall submit either a change order reflecting the change in vendor name or a statement that the vendor name on the invoice is that of a division, branch, subsidiary, or is a d/b/a name of the vendor name contained on the invoice coversheet. The name of the state agency reflected on the invoice and invoice coversheet shall be the same as the name of the state agency on the contract.

4.3. Funding information contract requirements. -- All contracts and change orders submitted to the Auditor shall include complete WVFIMS financial code component information, excluding statewide and open-end contracts. Complete WVFIMS financial code component information includes FUND, FY, ORG, ACT, and OBJ as defined in section 2.10 of these rules. All contracts with encumbered monies shall indicate funding information and the amount allotted to each fund, if more than one is indicated. Statewide and open-end contracts need only indicate "VARIOUS" or "MULTIPLE". All coversheets shall include the funding information indicated on the contract.

4.4. Contract travel reimbursement. -- All invoices submitted to the Auditor for travel reimbursement against a contract shall include the travel allowance under 026 object code on the contract. Such travel shall conform with state travel regulations or Higher Education travel guidelines, unless approval has been obtained from the Travel Management Division of the Department of Administration or from authorized higher education officials. A letter of exemption shall be required from the Travel Management Division of the Department of Administration if such travel does not conform with relevant travel regulations or guidelines. This rule shall not apply if the relevant contract is bid as a flat fee.

4.5. Building leases. -- All building leases are audited in accordance with the Department of Administration Leasing Division Guidelines. Time periods are required on all invoices to verify that the time is within the lease period.

4.6. Contract/Change order approvals. -- All contracts and change orders shall be approved by the following:

4.6.a. The Department of Administration Purchasing Division or an authorized procurement officer, if a Higher Education agency.

4.6.b. The Attorney General, as to form, if the contract exceeds the dollar limits established by the Department of Administration or Higher Education officials.

4.7. Change orders. -- All changes to contracts shall be reflected in the "description of change" section of the change order. Change orders shall be processed in sequence.

4.8. Accepted letters of change. -- Letters reflecting an extension of a contract shall be accepted by the Auditor. Such letter shall state the length of the extension in days and the reason for the extension.

**§155-1-5. Travel reimbursement.**

5.1. All travel reimbursements submitted to the Auditor shall comply with state travel regulations or Higher Education Travel Guidelines. In-state travel reimbursement shall be processed in accordance with such regulations or guidelines.

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

STEPHEN N. REED  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000  
FAX: (304) 558-0900



WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations

(Plus all the volunteer  
help we can get)

## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

September 9, 1996

### NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: West Virginia State Auditor's Office

RULE: New Rule, Series 1, Standards for Requisitions for Payment Issued by State Officers on the Auditor

DATE FILED AS AN EMERGENCY RULE: July 29, 1996

DECISION NO. 17-96

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule is **approved**. A copy of the complete decision with required findings is available from this office.

  
KEN HECHLER  
Secretary of State

FILED  
SEP 9 10 32 AM '96  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Deputy Secretary of State

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Executive Assistant

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Corporations: (304) 558-8000  
FAX: (304) 558-0900



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Chief of Staff

JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations

## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
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Charleston, WV 25305-0770

(Plus all the volunteer  
help we can get)

## EMERGENCY RULE DECISION (ERD 17-96)

AGENCY: West Virginia State Auditor's Office  
RULE: New Rule, Series 1, Standards for Requisitions for Payment Issued  
by State Officers on the Auditor

FILED AS AN EMERGENCY RULE: July 29, 1996

- par. 1 The West Virginia State Auditor's Office has filed the above new rule as an emergency rule.
- par. 2 West Virginia Code 29A-3-15a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [29A-3-15a].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6 The Auditor filed this emergency rule with supporting documents with the Secretary of State July 29, 1996 and with the LRMRC July 29, 1996.
- par. 7 It is the determination of the Secretary of State that the Auditor has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency

par. 8 (B) Statutory Authority -- WV Code §12-3-10 reads:

*It is unlawful for any state officer to issue his or her requisition on the state auditor in payment of any claim unless an itemized account is filed in the office of the officer issuing the requisition. The auditor shall propose rules for promulgation in accordance with the provisions of §29A-3-1 et seq. of this code to govern the form and manner by which claims shall be itemized for payment.*

par. 9 It is the determination of the Secretary of State that the Auditor has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency -- WV Code 29A-3-15(f) defines "emergency" as follows:

*(f) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.*

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

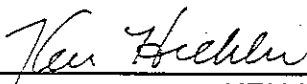
par. 12 The facts and circumstances as presented by the Auditor are as follows:

On March 8, 1996, HB 4637 was passed by the WV Legislature. Such bill amended W. Va. Code §12-3-10 by deleting all general provisions concerning itemization of claims against the state. Thereafter, the Legislature further amended W. Va. Code §12-3-10 by authorizing the State Auditor to promulgate rules containing specific form and manner requirements with regard to the payment of such claims. These rules accomplish such legislative mandate.

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par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f). . . "to prevent substantial harm to the public interest" to allow the Auditor to make payment of claims in a time orderly fashion.

par. 14 This decision shall be cited as Emergency Rule Decision 17-96 or ERD 17-96 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the West Virginia State Auditor's Office, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER  
Secretary of State

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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