

The following West Virginia State Treasurer's Office proposed Legislative Rules were posted for public comment on the West Virginia Secretary of State's Office E-Rules Filing System on July 27, 2016 and advertised in the *State Register* beginning on July 29, 2016. They were also posted on the West Virginia State Treasurer's Office website at <http://www.wvsto.gov/Legislative-Rules> :

- 112 CSR 12 Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment
- 112 CSR 13 Procedures for Providing Services to Political Subdivisions

Notices were sent to all State of West Virginia elected officials and Cabinet Secretaries offices with a request they be forwarded to interested parties within their agencies. Additionally, notices were sent to BB&T, Bowles Rice, City National Bank, United Bank, Wesbanco, West Virginia Association of Community Bankers and the West Virginia Bankers Association. Comments on the above Rules were received from West Virginia University.

Harrison, Wilma

From: Lisa Lively <Lisa.Lively@mail.wvu.edu>
Sent: Friday, August 26, 2016 8:30 AM
To: Stout, Diana
Cc: Dan Durbin; Price, Misty; Spade, Tanya
Subject: Rule Amendment Inquiry
Attachments: STO Rule Amendments Inquiry.pdf

Ms. Stout,

West Virginia University has a question regarding the amendments to the following rules:

1. Procedure for Fees in Collections by Charge, Credit or Debit Card or Electronic Payment
112-12-4 Convenience Fees or Services Fees
2. Procedures for Providing Services to Political Subdivisions
112-13-6 Convenience Fees or Service Fees

Please accept the attached letter as WVU's formal inquiry regarding these amendments. Your assistance in understanding the impact of these rules on WVU is much appreciated. Thank you.

Lisa A. Lively, CRA
Director, Financial Services
West Virginia University
One Waterfront Place
P.O. Box 6001
Morgantown, WV 26506-6001

Phone: 304-293-8638
FAX: 304-293-6856



West Virginia University

OFFICE OF THE SENIOR ASSOCIATE VICE PRESIDENT FOR FINANCE

Diana Stout, General Counsel
West Virginia State Treasurer's Office
1900 Kanawha Blvd., E.
Bldg. 1, Room E-145
Charleston, WV 25305

August 26, 2016

Dear Ms. Stout,

West Virginia University (WVU) requests clarification of the proposed amendments to the following rules:

1. Procedure for Fees in Collections by Charge, Credit or Debit Card or Electronic Payment, specifically §112-12-4 Convenience Fees or Services Fees and
2. Procedures for Providing Services to Political Subdivisions, specifically §112-13-6 Convenience Fees or Service Fees

WVU primarily uses the WV State Treasurer's Office for e-commerce activity which, in turn flows through the WV State Treasurer's Office e-commerce gateway, BB&T's point of sale payment gateway. However, there are some previously approved exceptions that do not operate through that gateway such as:

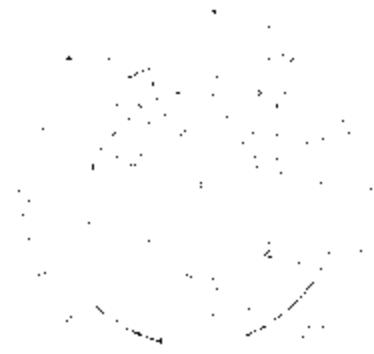
1. Paciolan for athletic ticketing and parking permits
2. Academic Common Market for student admission applications
3. Credential Solutions for student transcripts
4. University of Chicago for WVU Press books
5. StoreSecured.com for the College of Law's Continuing Legal Education Services

We currently work with our third party vendors to establish the convenience or service fees on these arrangements. Does this rule impact this activity? Should there be language in the rule that refers to exemptions?

Your assistance in understanding the impact of these proposed rules on WVU is much appreciated. Thank you.

Sincerely,

Daniel A. Durbin
Senior Associate VP for Administration and Finance



State of West Virginia

JOHN D. PERDUE
STATE TREASURER

OFFICE OF THE STATE TREASURER
CHARLESTON, WV 25305
PHONE: 304-558-5000 FAX: 304-558-4097
1-800-422-7498
www.wvtreasury.com

JOSH STOWERS
ASSISTANT STATE TREASURER

August 26, 2016

Daniel A. Durbin
Senior Associate VP for Administration and Finance
West Virginia University
PO Box 6207
Morgantown, WV 26506-6207

Re: August 26, 2016 Comments

Dear Mr. Durbin:

Thank you for talking with me today about your comments on legislative rules 112 CSR 12 and 112 CSR 13. We appreciate your review and your insights.

As we discussed, we do not believe the rule 112 CSR 13, Procedures for Providing Services to Political Subdivisions, applies to West Virginia University. Therefore, we do not plan to make any revisions to the rule.

We also discussed rule 112 CSR 12, Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment, which does apply to West Virginia University. Over the last many years, your institution has requested to use third parties to provide certain e-commerce functions, generally due to the specialty nature of the services the third parties provide. Your August 26, 2016, comment letter lists five of those vendors.

After our review of the requests from West Virginia University pertaining to these third parties and agreement those vendors offered specialty services we did not and your use of those services was appropriate, we effectively adopted the use of those vendors for the specifically authorized purposes on your behalf. It is our determination that nothing in the proposed changes to 112 CSR 12 would alter those arrangements or impair the ability of West Virginia University from continuing to use those vendors for the services specified. Further, we do not believe the proposed changes to 112 CSR 12 would impair the ability of West Virginia University from requesting the West Virginia State Treasurer's Office authorize the use of alternative methods or specific vendors to facilitate collections by West

Daniel A. Durbin
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OFFICE OF THE STATE TREASURER

Virginia University. Section 112-12-3.5 provides that the Treasurer will review each submitted request and upon determining the requested payment methods are appropriate and all forms are complete, the Treasurer will authorize use of the requested method. Based upon our determinations in connection with the issues you raised, we do not plan to make any further revisions to rule 112 CSR 12.

If you have any further questions or need to discuss these or other issues relating to the services offered by the West Virginia State Treasurer's Office, please feel free to contact us. We look forward to our continued great working relationship. Thank you.

Sincerely,



Diana Stout
General Counsel

DS/wlh

C: State Treasurer John Perdue
Assistant State Treasurer Josh Stowers
Deputy Treasurer Misty Price
Executive Director of Cash Management Stephanie Bailes
Director of Accounting Julie Hefner-Ferrell
Director of e-Government Tanya Spade
Assistant General Counsel Christina Merbedone-Byrd
Assistant General Counsel Lindsay Marchio