



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Administration TITLE-SERIES: 148-24
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 148-24 Financial Services Reporting

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W.Va. Code §5A-2B-2.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Section 5A-2B-2(e) states, "The Department of Administration is authorized to promulgate legislative rules, including emergency rules, to develop the assessment, any forms necessary for reporting costs, and any other information necessary pursuant to §29A-3-1 et seq. of this code."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule is being filed with no changes aside from an extension of the sunset date. The rule establishes the methodology by which the Finance Division determines if the Shared Services Section can provide accounting and reporting services to an agency at a cost savings. The rule requires an agency to enter into an agreement with the Shared Services Section unless declined by the Finance Division when the agency fails to provide financial information to the Financial Accounting and Reporting Section by a established deadline. The rule provides that agencies may voluntarily enter into such agreements as well. The rule establishes deadlines for the submission of financial information to the Financial Accounting and Reporting Section so that the state reports and Single Audit can be prepared timely. The rule also provides for corrective action plans for agencies that fail to report financial information before an established deadline.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule is being filed only to extend the sunset date.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No changes to revenue or expense.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION

SERIES 24
FINANCIAL SERVICES REPORTING

§148-24-1. General.

1.1. Scope. -- This legislative rule establishes requirements relating to services provided by the Shared Services Section and the Financial Accounting and Reporting Section of the Finance Division within the Department of Administration, and providing for corrective action in the event that a spending unit fails to provide the Department of Administration any required information relating to the completion of any required federal report.

1.2. Authority. – W.Va. Code §5A-2B-2.

1.3. Filing Date. – ~~March 11, 2020.~~

1.4. Effective Date. – ~~March 11, 2020.~~

1.5. Sunset provision. – This rule shall terminate and have no further force or effect on ~~March 11, 2025.~~ August 1, 2035.

§148-24-2. Definitions

For purposes of these rules, unless a different meaning clearly appears from the context:

2.1. “Shared Services Section” or “Section” means the Shared Services Section of the Finance Division within the Department of Administration.

2.2. “FARS” means the Financial Accounting and Reporting Section of the Finance Division within the Department of Administration responsible for producing the state’s Comprehensive Annual Financial Report and Single Audit.

2.3. “Deputy Director” means the Deputy Director of the Finance Division within the Department of Administration.

§148-24-3. Cost Performance Assessment.

3.1. All state spending units shall report annually to the Shared Services Section using the cost performance assessment tool implemented by the Section and provided to all state spending units.

3.2. The report shall provide the costs to the state spending unit of accounting and financial reporting services consisting of accounts payable, accounts receivable, payroll and human resources, state purchasing card, general accounting, financial accounting and any additional accounting services as determined by the Section.

3.3. The Shared Services Section shall develop a baseline cost for the designated accounting services if performed by the Section and shall evaluate reports submitted by state spending units to determine if those services can be provided by the Section at a lower cost and in a more efficient manner.

§148-24-4. Agreements for the Provision of Accounting and Financial Reporting Services

4.1. Any spending unit may submit a request to the Deputy Director to voluntarily enter into an agreement for the provision of accounting and financial reporting services.

4.2. Spending units with a cost performance assessment greater than the Section's baseline cost for the designated accounting services as determined under subsection 3.3 of this rule shall, unless declined by the Deputy Director, enter into an agreement for the provision of those services by the Section.

4.3. Spending units that fail to provide financial information to FARS by an established deadline shall, unless declined by the Deputy Director, enter into an agreement for the provision of financial reporting services.

4.4. The Deputy Director may decline to enter into any agreement for the provision of accounting or financial reporting services for any state spending unit if he or she determines that:

4.4.a. The Shared Services Section or FARS does not have the necessary expertise or resources at the time of the request to provide the services desired or required by the state spending unit; and

4.4.b. That developing the necessary expertise to provide the desired or required services would outweigh any potential cost savings to the state.

§148-24-5. Financial information to be reported to the Financial Accounting and Reporting Section for spending units not subject to an agreement.

5.1. For those state spending units that have not entered an agreement for shared financial services, the following financial information must be submitted to FARS by the dates designated:

5.1.a. Drafts of financial statements of state spending units with audited funds and higher education institutions are due by September 15th of each year;

5.1.b. The final financial statements of state spending units with audited funds and higher education institutions are due by October 15th of each year;

5.1.c. Closing book forms of state spending units with unaudited funds are due by July 31st of each year;

5.1.d. Financial statements for the Higher Education Consolidated Fund are due by October 31st of each year.

5.2. Each cabinet secretary or head of an institution of higher education that does not utilize the Shared Services Section for financial services shall designate a liaison to work with the Section to ensure timely, necessary and accurate financial information is reported to FARS.

§148-24-6. Corrective action plan for spending units that fail to provide necessary information to the Financial Accounting And Reporting Services Section; Training.

6.1. Any state spending unit that fails to report necessary financial information to FARS before the established deadline will be placed in a probationary period and subject to a corrective action plan. The corrective action plan may include, but not be limited to:

6.1.a. Identification of specific tasks to be performed and benchmarks to be reached in the preparation of the required financial reports, and designation of deadlines for each;

6.1.b. Periodic updates or reports from the state spending unit regarding the status of any identified task or benchmark;

6.1.c. Reports from the state spending unit describing the manner in which the causes for the state spending unit's failure to meet designated reporting deadlines are being addressed by the state spending unit; and

6.1.d. Designation of new deadlines for completion of the required financial reports.

6.2. The Finance Division of the Department of Administration may provide annual training to those spending units in which financial reporting services are not provided pursuant to an agreement. The training shall encompass necessary information for compilation of the comprehensive annual financial report, format of information, and required deadlines for reporting.