WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4637

(By Delegates Kiss, Browning, Kelley, Petersen, Talbott, Tomblin and Wallace)

Passed MARCH 9, 1996

In Effect ninety days from Passage
ENROLLED

H. B. 4637

(By Delegates Kiss, Browning, Kelly, Petersen, Talbott, Tomblin and Wallace)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections ten-a and ten-b, all relating to the state auditor's office; providing itemized statements of claims against the state; authorizing promulgation of rules by the state auditor regarding specificity of statement; authorizing the use of a purchasing card for state purchases of five hundred dollars or less; providing limitations on use of purchasing card; requiring competitive bid for selection of purchasing card vendor; requiring the auditor and director of the purchasing division to promulgate legislative rules; and providing criminal penalties for violation of purchasing card program.

Be it enacted by the Legislature of West Virginia:

That section ten, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted and that said article be further amended by adding thereto two new sections, designated sections ten-a and ten-b, all to read as follows:

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.
§12-3-10. Itemized statement of claim against state; rules to be promulgated concerning same.

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 article three, chapter twenty-nine-a of this code, to govern the form and manner by which claims shall be itemized for payment.

§12-3-10a. Purchasing card program.

Notwithstanding the provisions of section ten of this article, payment of claims may be made through the use of the state purchasing card program authorized by the provisions of this section. The auditor may establish a state purchasing card program for the purpose of authorizing all spending units of state government to use a purchasing card as an alternative payment method when making small purchases. The purchasing card program shall be conducted so that procedures and controls for the procurement and payment of goods and services are made more efficient. The program shall permit spending units to use a purchase charge card to purchase goods and services. The amount of any one purchase made with the purchase charge card shall not exceed five hundred dollars: Provided, That purchasing cards may not be utilized for the purpose of obtaining cash advances, whether the advances are made in cash or by other negotiable instrument. Purchases of goods and services must be received either in advance of or simultaneously with the use of a state purchasing card for payment for those goods or services. The auditor, by legislative rule, may eliminate the requirement for vendor invoices and provide a procedure for consolidating multiple vendor payments into one monthly payment to a charge card vendor. Selection of a charge card vendor to provide state purchase cards shall be accomplished by competitive bid. The purchasing division of the department of administration shall contract
with the successful bidder for provision of state purchase charge cards. Purchase charge cards issued under the program shall be used for official state purchases only. The auditor and the director of the purchasing division of the department of administration shall jointly propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to govern the implementation of the purchase card program.

§12-3-10b. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

It is unlawful for any person to use a state purchase card, issued in accordance with the provisions of section ten-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section ten-a of this article or the rules promulgated pursuant to that section. Any person who violates the provisions of this section is guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years, or fined no more than five thousand dollars, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the [ ]
day of [ ], 19[ ]

[Signature]
Gaston Caperton
Governor
PRESENTED TO THE
GOVERNOR
Date 4/1/46
Time 21.16AM