

HB 4637

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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HOUSE BILL No. 4637

(By Delegates KISS, BROWNING, KELLEY,
PETERSEN, TALBOTT, TOMBLIN AND WALLACE)



Passed MARCH 9, 1996

In Effect ninety days from Passage

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STATE OF WEST VIRGINIA

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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.

1 It is unlawful for any state officer to issue his or her
2 requisition on the state auditor in payment of any claim
3 unless an itemized account is filed in the office of the
4 officer issuing the requisition. The auditor shall propose
5 rules for promulgation in accordance with the provisions
6 of article three, chapter twenty-nine-a of this code, to gov-
7 ern the form and manner by which claims shall be item-
8 ized for payment.

§12-3-10a. Purchasing card program.

1 Notwithstanding the provisions of section ten of this
2 article, payment of claims may be made through the use
3 of the state purchasing card program authorized by the
4 provisions of this section. The auditor may establish a
5 state purchasing card program for the purpose of autho-
6 rizing all spending units of state government to use a pur-
7 chasing card as an alternative payment method when mak-
8 ing small purchases. The purchasing card program shall
9 be conducted so that procedures and controls for the
10 procurement and payment of goods and services are made
11 more efficient. The program shall permit spending units
12 to use a purchase charge card to purchase goods and ser-
13 vices. The amount of any one purchase made with the
14 purchase charge card shall not exceed five hundred dol-
15 lars: *Provided*, That purchasing cards may not be utilized
16 for the purpose of obtaining cash advances, whether the
17 advances are made in cash or by other negotiable instru-
18 ment. Purchases of goods and services must be received
19 either in advance of or simultaneously with the use of a
20 state purchasing card for payment for those goods or
21 services. The auditor, by legislative rule, may eliminate
22 the requirement for vendor invoices and provide a proce-
23 dure for consolidating multiple vendor payments into one
24 monthly payment to a charge card vendor. Selection of a
25 charge card vendor to provide state purchase cards shall
26 be accomplished by competitive bid. The purchasing
27 division of the department of administration shall contract

28 with the successful bidder for provision of state purchase
29 charge cards. Purchase charge cards issued under the
30 program shall be used for official state purchases only.
31 The auditor and the director of the purchasing division of
32 the department of administration shall jointly propose
33 rules for promulgation in accordance with the provisions
34 of article three, chapter twenty-nine-a of this code to gov-
35 ern the implementation of the purchase card program.

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

1 It is unlawful for any person to use a state purchase
2 card, issued in accordance with the provisions of section
3 ten-a of this article, to make any purchase of goods or
4 services in a manner which is contrary to the provisions of
5 section ten-a of this article or the rules promulgated pur-
6 suant to that section. Any person who violates the provi-
7 sions of this section is guilty of a felony, and, upon con-
8 viction thereof, shall be confined in the penitentiary not
9 less than one nor more than five years, or fined no more
10 than five thousand dollars, or both fined and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schreiber
Chairman Senate Committee

Rudy Deacrist
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell K. Thomas
Clerk of the Senate

Burgess W. Snow
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Robert L. Corcoran
Speaker of the House of Delegates

The within as approved this the 18th
day of April, 1996.

Walter D. Bledsoe
Governor

PRESENTED TO THE
GOVERNOR

Date 4/1/96

Time 11:16am