WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 4548
(By Delegates Martin, Varner and Michael)

Passed March 14, 1998
In Effect from Passage
AN ACT to amend and reenact section ten-c and ten-d, 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 a new section, designated section ten-e, all relating to the state purchasing card program; exempting the Legislature from any fees associated with the use or non-use of the state purchasing card; providing that the purchasing card fund shall be administered by the state auditor; and creating a purchasing card advisory committee.

Be it enacted by the Legislature of West Virginia:

That sections ten-c and ten-d, 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 a new section, designated section ten-e, all to read as follows:

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10c. Transaction fees; disposition of fees.

1 (a) In order to promote and enhance the use of the state purchasing card program established by the provisions of section ten-a of this article and in order to
maintain and develop the fiscal operations and accounting systems of the state, the auditor and the treasurer may assess joint transaction fees for all financial documents that will be processed on the central accounting system. Such transaction fees shall be prescribed by legislative rule proposed in accordance with article three, chapter twenty-nine-a of this code and may include the following:

(1) A penalty fee to be assessed against spending units of state government who submit claims for payment of goods and services when those claims are authorized to be paid by use of a state purchasing card and the spending unit has failed to utilize the state purchasing card; and

(2) A transaction fee to be assessed against spending units of state government for every transaction received, electronically or otherwise, by the auditor from the centralized accounting system.

(b) All fees collected under this section shall be deposited into the “Technology Support and Acquisition Fund” which is hereby created in the state treasury to be administered by the auditor. The auditor and treasurer shall use moneys deposited in the fund to maintain and develop the state purchasing card program, support the fiscal operations of the state, including the state centralized accounting system, and to acquire and improve the technology required to support these functions: Provided, That expenditures from the fund are authorized from collections and are to be made only in accordance with an appropriation by the Legislature and in accordance with the provision of article three of this chapter and upon fulfillment of the provisions set forth in article two, chapter five-a of this code: Provided, however, That for the fiscal year ending the thirtieth day of June, one thousand nine hundred ninety-eight, expenditures from the fund may be made from collections: Provided further, That the Legislature is exempt from any fees imposed under this section.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10d. Purchasing card fund created; expenditures.
All money received by the state pursuant to any agreement with vendors providing purchasing charge cards shall be deposited in a special revenue revolving fund designated the “Purchasing Card Administration Fund,” in the state treasury to be administered by the auditor. All expenses by the auditor in the implementation and operation of the purchasing card program shall be paid from the fund. Expenditures from the fund shall be made in accordance with appropriations by the Legislature pursuant to the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter five-a of this code.

§12-3-10e. Purchasing card advisory committee created; purpose; membership; expenses.

There is created a purchasing card advisory committee to enhance the development and implementation of the purchasing card program. The committee shall solicit input from state agencies and make recommendations to improve the performance of the purchasing card program. The committee consists of eleven members to be appointed as follows:

(1) The auditor shall serve as chairperson of the committee and shall appoint three members from the state college system of West Virginia and the university system of West Virginia, one member from the department of health and human resources, and one member from the division of highways;

(2) The secretary of the department of administration shall appoint one member from the information services and communications division, one member from the financial accounting and reporting section, and one member from the purchasing division;

(3) The secretary of the department of tax and revenue shall appoint one member from the department of tax and revenue; and

(4) The state treasurer shall appoint one member from that office.

Committee members shall be appointed for a term of
one year, commencing on the first day of July, one thousand nine hundred ninety-eight. Committee members shall receive reimbursement for expenses actually incurred in the performance of their duties on the committee.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 21st day of , 1998.

Governor