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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

Committee Substitute for

SENATE BILL NO. 272

(By Senator ROSS, ET AL)



PASSED MARCH 11, 1999
In Effect FROM Passage

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OFFICE OF THE CLERK
STATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 272

(SENATORS ROSS, ANDERSON, BOWMAN AND
BOLEY, *original sponsors*)

[Passed March 11, 1999; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article two of said chapter, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain agencies to promulgate legislative rules as amended by the

Legislature; authorizing certain legislative rules as filed with the secretary of state; with authorizing department of administration and the auditor to promulgate legislative rules relating to purchasing card program; and authorizing the department of administration to promulgate legislative rules relating to purchasing.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article two of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

1 Under the provisions of article three, chapter twenty-
2 nine-a of the code of West Virginia, the Legislature
3 expressly authorizes the promulgation of the rules de-
4 scribed in articles two through eleven of this chapter,
5 subject only to the limitations set forth with respect to
6 each such rule in the section or sections of this chapter
7 authorizing its promulgation. The Legislature declares
8 that all rules now or hereafter authorized under articles
9 two through eleven of this chapter are within the legisla-
10 tive intent of the statute which the rule is intended to
11 implement, extend, apply or interpret. Legislative rules
12 promulgated pursuant to the provisions of articles one
13 through eleven of this chapter in effect at the effective
14 date of this section shall continue in full force and effect
15 until reauthorized in this chapter by legislative enactment,
16 or until amended by emergency rule pursuant to the
17 provisions of article three, chapter twenty-nine-a of this
18 code.

19 All proposed legislative rules for which bills of authori-
20 zation have been introduced in the Legislature not specifi-
21 cally authorized under articles two through eleven of this
22 chapter are disapproved by the Legislature.

**ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION
TO PROMULGATE LEGISLATIVE RULES.**

§64-2-1. Department of administration and the auditor.

1 (a) The legislative rule filed in the state register on the
2 third day of August, one thousand nine hundred ninety-
3 eight, under the authority of section ten-a, article three,
4 chapter twelve of this code, modified by the department of
5 administration and the auditor to meet the objections of
6 the legislative rule-making review committee and refiled
7 in the state register on the twenty-ninth day of October,
8 one thousand nine hundred ninety-eight, relating to the
9 department of administration and the auditor (state
10 purchasing card program, 148 CSR 7), is authorized, with
11 the amendments set forth below:

12 On page two after subsection 2.15 by adding a new
13 subsection 2.16 to read as follows:

14 2.16. "Statewide Contract" means a legally binding
15 instrument competitively bid, awarded and maintained by
16 the Purchasing Division to provide services or tangible
17 goods to all state spending units at a specified price.
18 Statewide contract usage is mandatory for all agencies
19 under the jurisdiction of the Purchasing Division and
20 available (upon mutual consent) to agencies not under the
21 jurisdiction of the Purchasing Division.;

22 On page three, subsection 2.17 by striking out the words
23 "except for maintenance which cannot" and inserting in
24 lieu thereof the words "except for purchases including
25 maintenance foreseen to";

26 On page seven, subsection 6.3 by striking out the words
27 "blanket orders and price agreements" and inserting in
28 lieu thereof the words "in accordance with the transaction
29 limit as set forth in subsection 2.18 of this rule, excluding
30 those requiring advance approval of the Purchasing
31 Division. There is no annual limit for payments against
32 state-wide contracts.";

33 And,

34 On page seven, after subsection 6.3 by adding a new
35 subsection 6.4 to read as follows:

36 6.4 With the exception of orders against statewide
37 contracts, the card cannot be used as a payment method
38 for purchases foreseen to exceed \$15,000 annually for all
39 colleges and universities and \$10,000 annually for all other
40 spending units in accordance with state purchasing
41 guidelines.

42 (b) The legislative rule filed in the office of the secretary
43 of state on the sixteenth day of February, one thousand
44 nine hundred ninety-nine, authorized under the authority
45 of section four, article three, chapter five-a, of this code,
46 relating to the department of administration (purchasing,
47 148 CSR 1), is authorized.

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

Paul Johnson
.....
Chairman Senate Committee

Jeff Austin
.....
Chairman House Committee

Originating in the Senate.

In effect from passage.

Russell Hobbs
.....
Clerk of the Senate

George R. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *27th*
Day of *March*, 1999
[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 8/23/99

Time 10:08 am