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
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-nine-a of the code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in articles two through eleven of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its promulgation. The Legislature declares that all rules now or hereafter authorized under articles two through eleven of this chapter are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret. Legislative rules promulgated pursuant to the provisions of articles one through eleven of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment, or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

2 All proposed legislative rules for which bills of authorization have been introduced in the Legislature not specifically authorized under articles two through eleven of this 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.

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

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

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

On page three, subsection 2.17 by striking out the words “except for maintenance which cannot” and inserting in lieu thereof the words “except for purchases including maintenance foreseen to”;;

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

And,

On page seven, after subsection 6.3 by adding a new subsection 6.4 to read as follows:
With the exception of orders against statewide contracts, the card cannot be used as a payment method for purchases foreseen to exceed $15,000 annually for all colleges and universities and $10,000 annually for all other spending units in accordance with state purchasing guidelines.

(b) The legislative rule filed in the office of the secretary of state on the sixteenth day of February, one thousand nine hundred ninety-nine, authorized under the authority of section four, article three, chapter five-a, of this code, relating to the department of administration (purchasing, 148 CSR 1), is authorized.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...this the 27th Day of March, 1999

Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/69
Time 10:08 AM