

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3262**

By Delegate Westfall

[By Request of the State Auditor's Office]

[Introduced February 03, 2023; Referred to the  
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto by adding a new  
 2 section, designated §12-3-21; and to amend said code by adding thereto a new section,  
 3 designated §12-6D-8, all relating generally to exempting purchases made by the Auditor  
 4 and West Virginia Enterprise Resource Planning Board from certain provisions of this code  
 5 and requiring both the Auditor and Enterprise Resource Planning Board to maintain and  
 6 adopt internal competitive procurement processes.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. APPROPRIATIONS, EXPENDITURES, AND DEDUCTIONS.**

**§12-3-21. Purchasing procedures of the Auditor.**

1 At the discretion of the Auditor, purchases of commodities, computer software, computer  
 2 hardware, or professional and contractual services to perform the duties of his or her office may be  
 3 exempt from the provisions of §5A-3-1 et seq. of this code: *Provided*, That the Auditor shall  
 4 maintain an internal competitive procurement process to procure or purchase items under this  
 5 section and such purchases shall be made by competitive bid or award when possible.

**ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

**§12-6D-8. Purchasing procedures of the West Virginia Enterprise Resource Planning Board.**

1 At the discretion of the board, purchases of commodities, computer software, computer  
 2 hardware, or professional and contractual services to perform the duties of the board and maintain  
 3 the Enterprise Resource Planning System may be exempt from the provisions of §5A-3-1 et seq.  
 4 of this code: *Provided*, That the board shall adopt an internal competitive procurement process to  
 5 procure or purchase items under this section and such purchases shall be made by competitive  
 6 bid or award when possible.

NOTE: The purpose of this bill is to allow the exemption of the Auditor’s Office and the West Virginia Enterprise Resource Planning Board from certain provisions of the West Virginia Code at the Auditor’s and Enterprise Resource Planning Board’s discretion. This bill was recommended for introduction during the 2023 regular session of the Legislature by the West Virginia Auditor’s office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.