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HB 4774

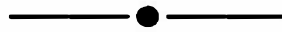
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4774

(By Delegates Amores, Schadler and Mahan)



Passed March 9, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4774

(BY DELEGATES AMORES, SCHADLER AND MAHAN)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §29A-2-7 of the Code of West Virginia, 1931, as amended, relating to the publication of the code of state rules; permitting the technical changes to the procedure governing the publication of the rules; and allowing the use of electronic media.

Be it enacted by the Legislature of West Virginia:

That §29A-2-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

§29A-2-7. Publication of state register.

- 1 (a) The Legislature intends that the secretary of state offer
- 2 to the public convenient and efficient access to copies of the
- 3 state register or parts thereof desired by the citizens. The
- 4 provisions of this section are enacted in order to provide a
- 5 means of doing so pending any other means provided by law or
- 6 legislative rule.

7 (b) All materials filed in the state register shall be indexed
8 daily in chronological order of filing with a brief description of
9 the item filed and a columnar cross index to (1) agency and (2)
10 section, article and chapter of the code to which it relates and
11 by which it is filed in the state register and (3) such other
12 information in the description or cross index as the secretary of
13 state believes will aid a citizen in using the chronological index.

14 (c) To give users of the code of state rules a means to know
15 whether the rule is being superseded by a version of the rule
16 that has become effective, but not yet been final-filed, prepared,
17 proofed and distributed, or may be superseded by a rule which
18 is being proposed and promulgated pursuant to article three but
19 not yet become final, the secretary of state shall provide with
20 each update of the code of state rules, a copy of the rule monitor
21 and its cross index which shows the rules that have become
22 effective but not yet distributed and the rules which may be
23 superseded by a rule which is being proposed. The copy of the
24 rule monitor distributed with the updates of the code of state
25 rules shall state plainly that this version of the rule monitor only
26 shows the status of the promulgation of rules as of the date of
27 distribution of the update of the code of state rules, and that to
28 obtain the most recent status of the rules, the user should
29 consult the rule monitor in the most recent publication of the
30 state register. With the first distribution to the loose leaf version
31 of the code of state rules the secretary of state shall also
32 distribute a divider where the current rule monitor shall be
33 maintained. With the first distribution, the secretary of state
34 shall also include instructions, with a copy for insertion in or on
35 the front of each volume of the loose-leaf versions of the code
36 of state rules, to users on how the rule monitor can be utilized
37 to determine whether the version of the rule in the code of state
38 rules is currently in effect. This subsection is not to be con-
39 strued to require that subscribers to the updates of the code of
40 state rules receive a subscription to the state register.

41 (d) The secretary of state shall cause to be duplicated in
42 such number as shall be required, on white paper with three
43 punches suitable for fastening in three-ring binders or electronic
44 media, the permanent biennial state register, the chronological
45 index and other materials filed in the register, or any part by
46 agency or section, article or chapter for subscription at a cost
47 including labor, paper and postage, sufficient in his judgment
48 to defray the expense of such duplication. The secretary of state
49 shall also offer, at least at monthly intervals, supplements to the
50 published materials listed above. Any subscription for monthly
51 supplements shall be offered annually and shall include the
52 chronological index and materials related to such agency or
53 agencies, or section, article or chapter of the code as a person
54 may designate. A person may limit the request to notices only,
55 to notices and rules, or to notices and proposed rules, or any
56 combination thereof.

57 (e) Every two years, the secretary of state shall offer for
58 purchase succeeding biennial permanent state registers which
59 shall consist of all rules effective on the date of publication
60 selected by the secretary of state, which date shall be at least
61 two years from the last such publication date, and materials
62 filed in the state register relating thereto. The cost of the
63 succeeding biennial permanent state register and for the portion
64 relating to any agency or any section, article or chapter of the
65 code which may be designated by a person purchasing the same
66 shall be fixed in the same manner specified in section eleven of
67 this article.

68 (f) The secretary of state may omit from any duplication
69 made pursuant to subsection (e) of this section any rules the
70 duplication of which would be unduly cumbersome, expensive
71 or otherwise inexpedient, if a copy of such rules is made
72 available from the original filing of such rule, at a price not
73 exceeding the cost of duplication, and if the volume from which
74 such rule is omitted includes a notice in that portion of the

75 publication in which the rule would have been located, stating
76 (1) the general subject matter of the omitted rule, (2) each
77 section, article and chapter of this code to which the omitted
78 rule relates, and (3) the means by which a copy of the omitted
79 rule may be obtained.

80 (g) The secretary of state may propose changes to the
81 procedures outlined in the section above by proposing a
82 legislative rule under the provisions of section nine, article
83 three of this chapter, but may promulgate no rules containing
84 those changes unless authorized by the Legislature pursuant to
85 article three of this chapter.

86 (h) Beginning the first day of July, two thousand one, one
87 half of the fees and amounts collected for the sale of the state
88 register, the code of state rules and other copies or data pro-
89 vided by the secretary of state shall be deposited in the state
90 general revenue fund and one half of the fees in the service fees
91 and collections account established by section two, article one,
92 chapter fifty-nine of this code for the operations of the office of
93 the secretary of state. Any balance remaining on the thirtieth
94 day of June, two thousand one, in the existing special revenue
95 account entitled "state register" as established by chapter one
96 hundred twenty-one, acts of the Legislature, regular session,
97 one thousand nine hundred eighty-two, shall be transferred to
98 the service fees and collections account established by section
99 two, article one, chapter fifty-nine of this code for the operation
100 of the office of the secretary of state. The secretary of state shall
101 dedicate sufficient resources from that fund or other funds to
102 provide the services required in this article.

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

Candy White
Chairman Senate Committee

R. Berry
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell Holmes
Clerk of the Senate

Betsy M. Smith
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert L. Williams
Speaker of the House of Delegates

The within *is approved* this the *3rd*
day of *April* 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:25 