

1 **H. B. 3070**

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3 (By Delegates Morgan, D. Poling, Swartzmiller,  
4 Manypenny and Stephens)

5 [Introduced February 9, 2011; referred to the  
6 Committee on Government Organization then Finance.]

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10 A BILL to amend and reenact §29A-2-7 of the Code of West Virginia,  
11 1931, as amended, relating to publication of the State  
12 Register; providing that the State Register and supplements  
13 thereto will be available only in electronic format; and  
14 providing that the fees collected for the sale of certain  
15 records will be deposited in equal amounts into the General  
16 Revenue Fund and the service fees and collections account.

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

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

20 **ARTICLE 2. STATE REGISTER.**

21 **§29A-2-7. Publication of State Register.**

22 (a) The Legislature intends that the Secretary of State offer  
23 to the public access to copies of the State Register and code of  
24 state rules. The State Register, the code of state rules and other

1 publications shall be available in electronic format only. A  
2 ~~person may request a printed copy of such from the Secretary of~~  
3 ~~State for a fee.~~

4 (b) All materials filed in the State Register shall be indexed  
5 daily in chronological order of filing with a brief description of  
6 the item filed and a columnar cross index to:

7 (1) Agency;

8 (2) Code citation to which it relates and by which it is filed  
9 in the State Register; and

10 (3) Other information in the description or cross index as the  
11 Secretary of State believes will aid a person in using the index.

12 (c) The Secretary of State shall provide with each update of  
13 the code of state rules, a copy of the rule monitor and its cross  
14 index which shows the rules that have become effective but not yet  
15 distributed and the rules which may be superseded by a rule which  
16 is being proposed. The copy of the rule monitor distributed with  
17 the updates of the code of state rules shall state plainly that  
18 this version of the rule monitor only shows the status of the  
19 promulgation of rules as of the date of distribution of the update  
20 of the code of state rules, and that to obtain the most recent  
21 status of the rules, the user should consult the rule monitor in  
22 the most recent publication and instructions to users on how to use  
23 the rule monitor determining the version of the rule in the code of  
24 state rules currently in effect. This subsection is not to be

1 construed to require that subscribers to the updates of the code of  
2 state rules receive a subscription to the State Register.

3 (d) The Secretary of State shall produce in an electronic  
4 format the permanent biennial State Register, the chronological  
5 index and other materials filed in the register, or any part by  
6 agency or section, article or chapter for subscription at a cost  
7 including labor ~~paper~~ and postage, sufficient in the Secretary of  
8 State's judgment to defray the expense of such publication. The  
9 Secretary of State shall also offer, at least at monthly intervals,  
10 supplements to the published materials listed above. Any  
11 subscription for electronic monthly interval supplements shall be  
12 offered annually and shall include the chronological index and  
13 materials related to an agency or code citation as a person may  
14 designate. A person may limit the request to notices only, to  
15 notices and rules, or to notices and proposed rules, or any  
16 combination thereof.

17 (e) Every two years, the Secretary of State shall offer for  
18 purchase succeeding biennial permanent state registers which shall  
19 consist of all rules effective on the date of publication selected  
20 by the Secretary of State, which date shall be at least two years  
21 from the last publication date, and materials filed in the State  
22 Register relating to the rule. The cost of the succeeding biennial  
23 permanent State Register and for the portion relating to any agency  
24 or any code citation which may be designated by a person shall be

1 fixed in the same manner specified in subsection (d) of this  
2 section.

3 (f) The Secretary of State may omit from any duplication made  
4 pursuant to subsection (e) of this section any rules the publication  
5 of which would be unduly cumbersome, expensive or otherwise  
6 inexpedient, if a copy of such rules is made available from the  
7 original filing of such rule, at a price not exceeding the cost of  
8 publication, and if the volume from which such rule is omitted  
9 includes a notice in that portion of the publication in which the  
10 rule would have been located, stating:

11 (1) The general subject matter of the omitted rule;

12 (2) Each code citation to which the omitted rule relates; and

13 (3) The means by which a copy of the omitted rule may be  
14 obtained.

15 (g) The Secretary of State may only propose changes to the  
16 procedures outlined in the above subsection by proposing a  
17 legislative rule under the provisions of section nine, article three  
18 of this chapter.

19 (h) The Secretary of State shall promulgate for legislative  
20 approval in accordance with the provisions of article three, of this  
21 chapter a fees schedule for publications described in this section.

22 (i) One half of all the fees and amounts collected for the sale  
23 of the State Register, the code of state rules and other copies or  
24 data provided by the Secretary of State shall be deposited in the

1 State General Revenue Fund and one half of the fees in the service  
2 fees and collections account established in accordance with  
3 subsection (f), section two, article one, chapter fifty-nine of this  
4 code for the operations of the office of the Secretary of State.  
5 The Secretary of State shall dedicate sufficient resources from that  
6 fund or other funds to provide the services required in this  
7 article.

NOTE: The purpose of this bill is to correct an inconsistency in the code relating to the deposit of funds from the State Register. The bill further provides that the State Register and supplements thereto will be available only in electronic format.

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