

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ENROLLED

H. B. 2542

(By Delegates Morgan, Stephens, Jones, Paxton, Smith, P.,
Staggers, Hartman and Lynch)

[Passed April 9, 2013; 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 publications of the Secretary of State; requiring the State Register, Code of State Rules and other documents of the Secretary of State be available only in electronic format; exceptions; rule-making authority; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.

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:

ARTICLE 2. STATE REGISTER.

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

(a) The Legislature intends that the Secretary of State offer to the public access to the State Register and Code of State Rules.

1 The State Register, the Code of State Rules and other documents
2 produced by the Secretary of State's office shall be available in
3 electronic format on the Secretary of State's website.

4 (b) All materials filed in the State Register shall be indexed
5 as quickly as possible in chronological order of filing with a
6 brief description of 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 post on the website with each
13 update of the Code of State Rules, a copy of the rule monitor and
14 its cross index which shows the rules that have become effective,
15 and a table showing rules which are out for public comment, and
16 agency-approved, modified and emergency rules.

17

18 (d) The Secretary of State may propose rules for legislative
19 approval, in accordance with the provisions of article three of
20 this chapter, to change the procedures outlined in this section.

21

22 (e) One half of all the fees and amounts collected for the
23 sale of the State Register, the Code of State Rules and other
24 copies or data provided by the Secretary of State shall be

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

8 (f) A person who is unable to access electronic versions of
9 documents may review the documents at the office of the Secretary
10 of State, or may request a printed copy at a cost which is
11 sufficient, in the judgment of the Secretary of State, to defray
12 the expenses of publication, including labor, paper and postage:
13 *Provided*, That the Secretary of State may waive the fee.