

SB 453

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WEST VIRGINIA LEGISLATURE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2010



ENROLLED

Senate Bill No. 453

(BY SENATORS SNYDER, JENKINS,
D. FACEMIRE, PLYMALE AND FOSTER)

[Passed March 13, 2010; in effect ninety days from passage.]

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(BY SENATORS SNYDER, JENKINS, D. FACEMIRE, PLYMALE AND FOSTER)

[Passed March 13, 2010; 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 publication of the State Register.

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.

1 (a) The Legislature intends that the Secretary of State
2 offer to the public access to copies of the State Register
3 and Code of State Rules. The State Register, the Code of
4 State Rules and other publications shall be available in
5 electronic format. A person may request a printed copy of
6 such from the Secretary of State for a fee.

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

10 (1) Agency;

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

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

16 (c) The Secretary of State shall provide with each update
17 of the Code of State Rules, a copy of the rule monitor and
18 its cross index which shows the rules that have become
19 effective but not yet distributed and the rules which may
20 be superseded by a rule which is being proposed. The copy
21 of the rule monitor distributed with the updates of the
22 Code of State Rules shall state plainly that this version of
23 the rule monitor only shows the status of the promulgation
24 of rules as of the date of distribution of the update of the
25 Code of State Rules, and that to obtain the most recent
26 status of the rules, the user should consult the rule monitor
27 in the most recent publication and instructions to users on
28 how to use the rule monitor determining the version of the
29 rule in the Code of State Rules currently in effect. This
30 subsection is not to be construed to require that subscrib-
31 ers to the updates of the Code of State Rules receive a
32 subscription to the State Register.

33 (d) The Secretary of State shall produce in an electronic
34 format the permanent biennial State Register, the chrono-
35 logical index and other materials filed in the register, or
36 any part by agency or section, article or chapter for
37 subscription at a cost including labor, paper and postage,
38 sufficient in the Secretary of State's judgment to defray
39 the expense of such publication. The Secretary of State
40 shall also offer, at least at monthly intervals, supplements
41 to the published materials listed above. Any subscription
42 for monthly supplements shall be offered annually and
43 shall include the chronological index and materials related
44 to an agency or code citation as a person may designate.
45 A person may limit the request to notices only, to notices

46 and rules, or to notices and proposed rules, or any combi-
47 nation thereof.

48 (e) Every two years, the Secretary of State shall offer for
49 purchase succeeding biennial permanent state registers
50 which shall consist of all rules effective on the date of
51 publication selected by the Secretary of State, which date
52 shall be at least two years from the last publication date,
53 and materials filed in the State Register relating to the
54 rule. The cost of the succeeding biennial permanent State
55 Register and for the portion relating to any agency or any
56 code citation which may be designated by a person shall
57 be fixed in the same manner specified in subsection (d) of
58 this section.

59 (f) The Secretary of State may omit from any duplication
60 made pursuant to subsection (e) of this section any rules
61 the publication of which would be unduly cumbersome,
62 expensive or otherwise inexpedient, if a copy of such rules
63 is made available from the original filing of such rule, at
64 a price not exceeding the cost of publication, and if the
65 volume from which such rule is omitted includes a notice
66 in that portion of the publication in which the rule would
67 have been located, stating:

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

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

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

73 (g) The Secretary of State may only propose changes to
74 the procedures outlined in the above subsection by propos-
75 ing a legislative rule under the provisions of section nine,
76 article three of this chapter.

77 (h) The Secretary of State shall promulgate for legisla-
78 tive approval in accordance with the provisions of article
79 three, of this chapter a fees schedule for publications
80 described in this section.

81 (i) The fees and amounts collected for the sale of the
82 State Register, the Code of State Rules and other copies or
83 data provided by the Secretary of State shall be deposited
84 in the state General Revenue Fund and one half of the fees
85 in the service fees and collections account established in
86 accordance with section two, article one, chapter fifty-
87 nine of this code for the operations of the office of the
88 Secretary of State. The Secretary of State shall dedicate
89 sufficient resources from that fund or other funds to
90 provide the services required in this article.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *2nd*
Day of *April*, 2010.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10 p