

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 94

(By Mr. Amis)



PASSED Feb 25 1955

In Effect 90 Days from Passage



Filed In the Office of the Secretary of State
of West Virginia
MAR 8 1955

ENROLLED

House Bill No. 94

(By MR. ANDREWS)

[Passed February 25, 1955; in effect ninety days from passage.]

AN ACT to amend article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section numbered three, relating to the filing in the office of the secretary of state and the taking effect of rules lawfully adopted by each agency of the government of the state of West Virginia authorized by law to make rules, except the state Legislature and the state courts.

Be it enacted by the Legislature of West Virginia:

That article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section, numbered three, to read as follows:

Section 3. *Filing of Rules of State Agencies in the Office*
2 *of the Secretary of State.*—Each state agency shall com-
3 pile and index all of its lawfully adopted rules which are

4 in force on the effective date of this section and shall file
5 in the office of the secretary of state two certified copies
6 of such compilation and index. If any agency shall fail
7 to file such certified copies on or before July one, one
8 thousand nine hundred fifty-five, then the rules of such
9 agency which are not so filed shall become void and
10 unenforceable and shall be of no legal force and effect.
11 Each rule, amendment, modification or repeal of a rule
12 lawfully adopted by any agency after the effective date
13 of this section, shall neither be enforced nor enforceable
14 unless and until two certified copies of such rule, amend-
15 ment, modification or repeal of a rule have been on file
16 in the office of the secretary of state for thirty consecutive
17 days. It shall be the duty of the secretary of state to keep
18 such rules filed in his office in a manner which shall be
19 available and convenient for public inspection.

20 For the purpose of this section "agency" means any
21 authority, department, commission, board, or officer of
22 the government of the state of West Virginia authorized
23 by law to make rules, but this section shall not apply to
24 the Legislature or to the courts of the state of West

25 . Virginia. The word "rule" includes every regulation,
26 standard, or statement of policy or interpretation of
27 general application and future effect, including the amend-
28 ment or repeal thereof adopted by any agency, as herein
29 defined, to implement or make specific the law enforced
30 by or administered by it, or to govern its organization
31 or procedure, but does not include regulations concerning
32 only the internal management of the agency and not
33 directly affecting the rights of or procedures available
34 to the public.

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 House of Delegates

Takes effect 90 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 approved this the 7
 day of March, 1955.

[Signature]
 Governor



Filed in the Office of the Secretary of State
 of West Virginia MAR 8 1955

D. PITT O'BRIEN
 SECRETARY OF STATE