

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 283

(By Mr. Carson, Mr. President)

PASSED March 8 1963

In Effect From Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 283

**ENROLLED**

**Senate Bill No. 283**

(BY MR. CARSON, MR. PRESIDENT)

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[Passed March 8, 1963; in effect from passage.]

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AN ACT to amend and reenact section three, article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filing in the office of the secretary of state of rules adopted by agencies of the state of West Virginia.

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

That section three, article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Section 3. Filing of Rules of State Agencies in the**  
2 **Office of the Secretary of State.**—Each state agency shall  
3 compile and index all of its lawfully adopted rules which  
4 are in force on the effective date of this section and shall

5 file in the office of the secretary of state two certified  
6 copies of such compilation and index. If any agency  
7 shall fail to file such certified copies on or before January  
8 one, one thousand nine hundred sixty-four, then the rules  
9 of such agency which are not so filed shall become void  
10 and unenforceable and shall be of no legal force and  
11 effect. Each rule, amendment, modification or repeal of  
12 a rule lawfully adopted by any agency after the effective  
13 date of this section, shall neither be enforced nor en-  
14 forceable unless and until two certified copies of such  
15 rule, amendment, modification or repeal of a rule have  
16 been on file in the office of the secretary of state for sixty  
17 consecutive days. It shall be the duty of the secretary of  
18 state to keep such rules filed in his office in a manner  
19 which shall be available and convenient for public in-  
20 spection. The secretary of state shall prescribe by rule  
21 a standard size, format and numbering system for rules  
22 to be filed in his office, making exceptions where rules  
23 issued by other agencies cannot effectively convey neces-  
24 sary information within such size and format. Rules per-  
25 taining to the size, format and numbering system issued

26 by the secretary of state under the authority of this sec-  
27 tion may be amended from time to time and any such rule  
28 or amendment thereof shall become effective sixty days  
29 after such rule or amendment has been filed. The secre-  
30 tary of state may refuse to accept for filing any rules  
31 which do not comply with this section or with rules issued  
32 by the secretary under authority of this section.

33 For the purpose of this section "agency" means any au-  
34 thority, department, commission, board or officer of the  
35 government of the state of West Virginia authorized by  
36 law to make rules, but this section shall not apply to the  
37 Legislature or to the courts of the state of West Virginia.  
38 The word "rule" includes every regulation, standard, or  
39 statement of policy or interpretation of general applica-  
40 tion and future effect, including the amendment or repeal  
41 thereof adopted by any agency, as herein defined, to im-  
42 plement or make specific the law enforced by or ad-  
43 ministered by it, or to govern its organization or proce-  
44 dure, but does not include regulations concerning only  
45 the internal management of the agency and not directly  
46 affecting the rights of or procedures available to the  
47 public.

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

*C. Ray Parker*  
Chairman Senate Committee

*Ethel L. Randall*  
Chairman House Committee

Originated in the Senate.

Takes effect FROM passage.

*J. Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard E. Carson*  
President of the Senate

*Julius W. Sigler Jr.*  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

*W. W. Baum*  
Governor

