ENROLLED

House Bill No. 4774

(By Delegates Amores, Schadler and Mahan)

Passed March 9, 2006

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 the publication of the code of state rules; permitting the technical changes to the procedure governing the publication of the rules; and allowing the use of electronic media.

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:


1 (a) The Legislature intends that the secretary of state offer to the public convenient and efficient access to copies of the state register or parts thereof desired by the citizens. The provisions of this section are enacted in order to provide a means of doing so pending any other means provided by law or legislative rule.
(b) All materials filed in the state register shall be indexed daily in chronological order of filing with a brief description of the item filed and a columnar cross index to (1) agency and (2) section, article and chapter of the code to which it relates and by which it is filed in the state register and (3) such other information in the description or cross index as the secretary of state believes will aid a citizen in using the chronological index.

(c) To give users of the code of state rules a means to know whether the rule is being superseded by a version of the rule that has become effective, but not yet been final-filed, prepared, proofed and distributed, or may be superseded by a rule which is being proposed and promulgated pursuant to article three but not yet become final, the secretary of state shall provide with each update of the code of state rules, a copy of the rule monitor and its cross index which shows the rules that have become effective but not yet distributed and the rules which may be superseded by a rule which is being proposed. The copy of the rule monitor distributed with the updates of the code of state rules shall state plainly that this version of the rule monitor only shows the status of the promulgation of rules as of the date of distribution of the code of state rules, and that to obtain the most recent status of the rules, the user should consult the rule monitor in the most recent publication of the state register. With the first distribution to the loose leaf version of the code of state rules the secretary of state shall also distribute a divider where the current rule monitor shall be maintained. With the first distribution, the secretary of state shall also include instructions, with a copy for insertion in or on the front of each volume of the loose-leaf versions of the code of state rules, to users on how the rule monitor can be utilized to determine whether the version of the rule in the code of state rules is currently in effect. This subsection is not to be construed to require that subscribers to the updates of the code of state rules receive a subscription to the state register.
(d) The secretary of state shall cause to be duplicated in such number as shall be required, on white paper with three punches suitable for fastening in three-ring binders or electronic media, the permanent biennial state register, the chronological index and other materials filed in the register, or any part by agency or section, article or chapter for subscription at a cost including labor, paper and postage, sufficient in his judgment to defray the expense of such duplication. The secretary of state shall also offer, at least at monthly intervals, supplements to the published materials listed above. Any subscription for monthly supplements shall be offered annually and shall include the chronological index and materials related to such agency or agencies, or section, article or chapter of the code as a person may designate. A person may limit the request to notices only, to notices and rules, or to notices and proposed rules, or any combination thereof.

(e) Every two years, the secretary of state shall offer for purchase succeeding biennial permanent state registers which shall consist of all rules effective on the date of publication selected by the secretary of state, which date shall be at least two years from the last such publication date, and materials filed in the state register relating thereto. The cost of the succeeding biennial permanent state register and for the portion relating to any agency or any section, article or chapter of the code which may be designated by a person purchasing the same shall be fixed in the same manner specified in section eleven of this article.

(f) The secretary of state may omit from any duplication made pursuant to subsection (e) of this section any rules the duplication of which would be unduly cumbersome, expensive or otherwise inexpedient, if a copy of such rules is made available from the original filing of such rule, at a price not exceeding the cost of duplication, and if the volume from which such rule is omitted includes a notice in that portion of the
publication in which the rule would have been located, stating
(1) the general subject matter of the omitted rule, (2) each
section, article and chapter of this code to which the omitted
rule relates, and (3) the means by which a copy of the omitted
rule may be obtained.

(g) The secretary of state may propose changes to the
procedures outlined in the section above by proposing a
legislative rule under the provisions of section nine, article
three of this chapter, but may promulgate no rules containing
those changes unless authorized by the Legislature pursuant to
article three of this chapter.

(h) Beginning the first day of July, two thousand one, one
half of the fees and amounts collected for the sale of the state
register, the code of state rules and other copies or data pro-
vided by the secretary of state shall be deposited in the state
general revenue fund and one half of the fees in the service fees
and collections account established by section two, article one,
chapter fifty-nine of this code for the operations of the office of
the secretary of state. Any balance remaining on the thirtieth
day of June, two thousand one, in the existing special revenue
account entitled "state register" as established by chapter one
hundred twenty-one, acts of the Legislature, regular session,
one thousand nine hundred eighty-two, shall be transferred to
the service fees and collections account established by section
two, article one, chapter fifty-nine of this code for the operation
of the office of the secretary of state. The secretary of state shall
dedicate sufficient resources from that fund or other funds to
provide the services required in this article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 3rd day of April 2006.

Governor