WEST VIRGINIA LEGISLATURE
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.]
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.

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

(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:
(c) 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and its cross index which shows the rules that have become effective but not yet distributed and the rules which may be superseded by a rule which is being proposed.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 update 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 and instructions to users on how to use the rule monitor determining the version of the rule in the Code of State Rules 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 produce in an electronic format 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 the Secretary of State's judgment to defray the expense of such publication. 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 an agency or code citation 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 publication date, and materials filed in the State Register relating to the rule. The cost of the succeeding biennial permanent State Register and for the portion relating to any agency or any code citation which may be designated by a person shall be fixed in the same manner specified in subsection (d) of this section.

(f) The Secretary of State may omit from any duplication made pursuant to subsection (e) of this section any rules the publication 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 publication, 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 code citation 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 only propose changes to the procedures outlined in the above subsection by proposing a legislative rule under the provisions of section nine, article three of this chapter.

(h) The Secretary of State shall promulgate for legislative approval in accordance with the provisions of article three, of this chapter a fees schedule for publications described in this section.
The fees and amounts collected for the sale of the State Register, the Code of State Rules and other copies or data provided 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 in accordance with section two, article one, chapter fifty-nine of this code for the operations 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within........................................... this the........

Day of.............................................., 2010.

Governor