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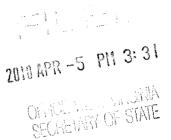
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## WEST VIRGINIA LEGISLATURE SEVENTY-NINTH LEGISLATURE REGULAR SESSION, 2010

# ENROLLED Senate Bill No. 453

(By Senators Snyder, Jenkins, D. Facemire, Plymale and Foster)

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



### 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.

- 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:

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10 (1) Agency;

(2) Code citation to which it relates and by which it isfiled in the State Register; and

(3) Other information in the description or cross index asthe Secretary of State believes will aid a person in usingthe 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cross index which shows the rules that have become 19 effective but not yet distributed and the rules which may 20 be superseded by a rule which is being proposed.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 of the rule monitor distributed with the updates of the 21 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.

(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

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

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

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

(3) The means by which a copy of the omitted rule maybe 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 legisla-tive approval in accordance with the provisions of articlethree, of this chapter a fees schedule for publicationsdescribed in this section.

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(i) 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 fiftynine 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 bfl is correctly enrolled.

Senate Committee Will

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

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Clerk of the House of Delegates

10 milia President of the Senate

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Speaker House of Delegates

.... this the .... Au The within U.U. ined Day of ..... .,2010. Governor



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PRESENTED TO THE GOVERNOR

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