

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

1987 SEP 14 PM 2:48

SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: 29A-2-6; 6-9A

RULE TYPE: PROCEDURAL XXXX INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES XX, NO \_\_\_\_\_

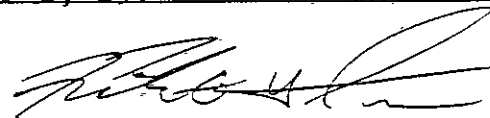
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Filing of Rules, Orders, Opinions,  
Meeting Notices and Other Documents ...

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_  
\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS November 1, 1987



Rich O. Hartman, Dir.  
Administrative Law Division

**TITLE 153  
PROCEDURAL RULE  
SECRETARY OF STATE**

**SERIES 1  
FILING OF RULES, ORDERS, OPINIONS, MEETING NOTICES AND  
OTHER DOCUMENTS IN THE SECRETARY OF STATE'S OFFICE  
FOR INCLUSION IN THE STATE REGISTER; FEES**

**§153-1-1. General.**

1.1. Scope. -- These procedural rules establish the filing of documents in the Secretary of State's Office for inclusion in the State Register and fees to be charged for copies of materials filed.

1.2. Authority. -- W.Va. Code §§29A-2, 6-9A

1.3. Filing Date. -- September 14, 1987

1.4. Effective Date. -- November 1, 1987

**§153-1-2. Quantity.**

2.1. This office requires only one (1) clean copy when filing all proposed rules and documents related to such filings, all orders, all opinions and all meeting notices under the Open Government Proceedings Act (West Virginia Code article nine-a, chapter six).

2.2 If an agency wishes a stamped copy of any document filed, for its record, the agency must send an additional copy with a request that one (1) be stamped and returned to the agency.

**§153-1-3. Time requirements.**

3.1. The weekly State Register is printed on Thursday, mailed on Friday and received by its subscribers on Monday. All filings, in order to appear in the next week's issue of the weekly State Register, must be filed in this office no later than five o'clock p.m. on the Wednesday preceding.

3.2. Whenever a legal holiday falls on a Friday, the deadline for submission shall be no later than five o'clock p.m. on the Tuesday preceding.

3.3. Whenever a legal holiday falls on a Thursday, the deadline for submission shall be no later than five o'clock p.m. on the Monday preceding.

**§153-1-4. Rule-making notices format.**

The following notices are required to be filed in the State Register. Forms are available from the Secretary of State.

4.1. Notice of public hearing or comment period or proposed rule making.

Section five, article three, chapter twenty-nine-a of the Code requires an agency to solicit public comment on proposed rules. This may be accomplished by the agency conducting a public hearing on the proposed rule or by establishing a comment period during which time written comments are to be mailed or delivered to the agency. At the end of the comment period the agency may or may not hold an actual hearing. Refer to Form #1 and Form #2.

4.2. Notice of agency approval and submission to the Legislative Rule-Making Review Committee.

This notice is for legislative rules only. Refer to Form #3.

4.3. Notice of rule modification.

Notice shall be attached to modifications approved by the agency to meet the comments or objections of the Legislative Rule-Making Review Committee. Refer to Form #4

4.4. Notice of agency adoption.

This is for procedural rules, interpretive rules and/or rules of those agencies whose activities are exempt from the Administrative Procedures Act except for the requirement to file in the State Register. This constitutes the final filing for these types of rules. Refer to Form #5

4.5. Notice of final filing of legislative rule.

All legislative rules authorized by the Legislature shall be final filed within sixty (60) days of the effective date of the Bill of Authorization. The agency shall establish the effective date of the rule. The effective date shall not exceed ninety (90) days from the date the legislative rule is final filed in the State Register. Refer to Form #6.

#### 4.6. Notice of emergency rule.

This notice shall be attached to any legislative rule filed as an emergency rule. Refer to Form #7.

#### 4.7. Notice of emergency amendment to an emergency rule.

This notice shall be attached to any emergency amendment filed to an existing emergency rule. Refer to Form #8.

### §153-1-5. Refusal to accept filing of rules.

The Secretary of State shall refuse to accept any rule filing which does not have attached the proper notice form accurately completed and signed by the department head or the authorized designee.

### §153-1-6. Final filing of interpretive, procedural or exempt proposed rules.

6.1. An agency is not required to final file the text of a proposed rule if the Secretary of State already has the final text of the proposed rule which is unchanged from its last filing.

6.2. If changes have been made since the last filing, the agency shall file those changes, clearly indicating where such changes are to be made.

6.3. In either case, a notice of agency adoption

shall be completed and filed. Refer to Form #5.

6.4. Any rule final filed shall remain a proposed rule until accepted by the Secretary of State's office and filed by the Secretary of State in the West Virginia Code of State Rules in its final and official form.

### §153-1-7. Final filing of proposed legislative rules authorized by the Legislature.

7.1. Agencies shall only file the proper notice of filing. Refer to Form #6.

7.2. Any rule final filed by the above notice shall remain a proposed rule until accepted by the Secretary of State and filed by the Secretary of State in the West Virginia Code of State Rules in its final and official form.

### §153-1-8. Fees for copies.

8.1. The charge for copies of any material filed in the Administrative Law Division shall be ten cents (10¢) per page plus two dollars (\$2.00) for labor and postage.

8.2. The charge for copies of state statutes shall be ten cents (10¢) per page plus five dollars (\$5.00).

8.3. The charge for certification of any document shall be five dollars (\$5.00).

8.4. All requesting parties shall be required to pay for copies, except offices of the Legislative branch, the Judicial branch or documents provided through a subpoena.

8.4.1. Provided that state agencies shall receive one (1) copy of their own rules at no charge.