

FILING OF ADMINISTRATIVE REGULATIONS
IN THE SECRETARY OF STATE'S OFFICE

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*obsolete
Sept 5, 1981 to April 14, 1985
inclusive*

PROCEDURAL RULES

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

SECRETARY OF STATE

Chapter 29A-2
Series I
(1981) amended

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 7/30/81

Subject: Filing of Administrative Rules and Regulations in the Secretary of State's Office

Section 1. General

1.01. Scope- These regulations establish general rules for the filing of regulations in the Office of the Secretary of State.

1.02. Authority- These regulations are issued under authority of West Virginia Code, Chapter 29A, Article 2, Section 1.

1.03. Filing Date- These regulations are promulgated on the 30th day of July, 1981, and filed on 30th day of July 1981, in the Secretary of State's Office.

1.04. Effective Date- These regulations become effective on the Fifth day of September, 1981.

Section 2. General Plan of Filing

2.01. General Purposes- The general purpose of these rules is to establish a system by which all regulations required by law to be filed shall be maintained in a manner ensuring that all such materials are current and conveniently accessible to interested persons.

2.02. Organization of Administrative Regulations Files.

(a) General- The official file of regulations maintained in the Office of the Secretary of State shall be a "basic set" of regulations. This set will be maintained on standard 8½ x 11 letter-size paper filed in a loose-leaf binder or binders. The basic set shall be divided into chapter according to the agency issuing the regulations. Chapter numbers are based generally

upon the Chapter and Article of the Official West Virginia Code of 1931, as amended, where rule making authority of the agency is found. Where an agency issues regulations on more than one general subject such regulations shall be grouped in series and given roman numeral numbers, such as Series I, Series II, etc. The basic set shall also include a general index, with tabs, and a separate index following the structure of the section in each series. These indexes are to be kept current with any changes, amendments, or revisions, and all obsolete material must be replaced following the instructions as to style listed above.

(b) Duplicate Sets- The statute requiring the filing of administrative regulations requires the filing of two copies of every such rule or regulation. (An extra copy is suggested for the agency's proof of filing). Nothing in this regulation shall be deemed to affect that requirement. Though the terms employed in this regulation refer occasionally to the filing of "a regulation" such reference shall be taken to mean the filing of two copies of such regulation. Should an agency fail to file two copies, the office of the Secretary of State will not be responsible for making copies of such rules and regulations, and could consider failure to do so "improper filing."

2.03. File Organization, Content and Terminology- The complete file of regulations maintained in the Office of the Secretary of State will be divided into Three Parts: (a) basic set; (b) the index; and (c) the obsolete file.

(a) The Basic Set- The basic set will be maintained on standard 8½ x 11 letter size paper and housed in loose leaf five or seven ring binders. The format of pages and general rules pertaining to the basic set are set out in Section 3 of this regulation.

(b) The Index- A subject matter index to all regulatory material filed is required by statute. The indexes shall be prepared on standard letter size paper (8½ x 11).

(c) The Obsolete File- Regulatory material which is removed from the current files as it is replaced by amended or revised regulations affecting the same subject matter will be stored in the obsolete file. The obsolete file will be closed at the end of each calendar year, and a new file started. Materials within each calendar year will be filed according to chapter and series designated to a degree that this is practical. See Section 8 concerning the obsolete file generally.

2.04. Title and Style of Citation- The regulations filed in the Office of the Secretary of State shall be known as West Virginia Administrative Regulations. The following is an appropriate example for citing this section of this regulation: WV Adm. Reg. (Secretary of State) 29A-2, Ser.I, Sec. 2.04 (1981).

Section 3. Basic Set File

3.01. Basic Set, General Rules and Format- Regulations filed in the basic set will be prepared on standard letter size paper (8½ x 11), and double spaced.

3.02. Margins- Margins shall be 1 inch on all four sides of the paper. Top, Bottom, Left and Right.

3.03. Page Identification Features, Successive Pages- Each page following the first page of a regulation or series shall contain three identification features as follows:

(a) In the upper left corner of the page, the agency name, chapter and series number of the regulation will be shown in abbreviated form, see above for sample.

(b) In upper right corner of the page, the first section starting on the page will be given. If a long section starts on a preceding page and continues through the page and ends on a following page, the number of the section set out on the page in question will be shown. See above for sample.

(c) In the lower right corner, the number of page within that regulation or series of regulation will be shown, preceded by the word "Page". See below for sample.

Section 4. Odd Size Regulations.

4.01. Odd Size- No odd size regulation may be filed after the effective date of this regulation, except as stipulated in Chapter 29A-2-1 of the West Virginia Code.

Section 5. Certification

5.01. General- Every regulation, series of regulations or amendment to regulations filed after the effective date of this regulation shall be certified on a document separate from the regulatory material to be filed. Such certification shall be prepared on standard letter size paper, and should bear the letter-head of the filing agency. No hand written affirmation will be accepted. All certifications must be typed and double spaced along with date of filing.

Section 6. Indexing

6.01. General-Each regulation must be accompanied by a subject matter index prepared on standard letter size paper. A separate index for each regulation shall be filed with that regulation.

6.02. Tabs- Each index section shall be tabbed as to series.

6.03. Subject Matter Reference- At the top center of each index page the topic of the regulation to which the index applies shall appear; for example, index pages for the Motor Vehicle Maintenance Manual should have words such as "Motor Vehicle Safety Inspection" at the top center of each index page, and each index page for this regulation will bear the words "Filing of Administrative Regulations" at the top.

6.04. Finder Reference- Under the subject matter references at the top of each index page, reference shall be made to the regulation to which

the index applies, by citing the section by number such as "Section 5 Certification."

6.05. Amendments Affecting Indexing- Whenever an amendment incorporates new material or changes the page or section location of previously indexed material, an amended index page shall accompany the amendments filed. Such amended index page shall be prepared so that obsolete material and index pages may be removed by the filing agency and completely replaced by amended pages.

Section 7. Amendments and Revisions

7.01. General- Amendments to regulations on file in the basic set shall be prepared in such a way that entire pages may be removed and new amended pages substituted. Any material appearing on the pages affected by the amendment must also appear on the new amended pages so that obsolete pages may be removed.

Section 8. Obsolete File

8.01. General- Regulatory material on file which becomes obsolete will be transferred to the obsolete file. Material becomes obsolete whenever a part of a regulation is amended and old pages are removed from the basic set (see section 7.01) or whenever a new regulation is filed which covers the same subject matter of a regulation previously filed.

8.02. Organization of Obsolete File- A new obsolete file will be opened each calendar year and all material becoming obsolete during the calendar year will be included within that year's file. Within each file, material will be organized as nearly as practical according to chapter and series designation.