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STATE OF WEST VIRGINIA
SECRETARY OF STATE

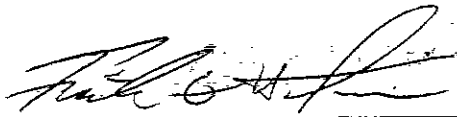
Charleston 25305

NOTICE OF PUBLIC HEARING

Pursuant to Section five, Article three, Chapter twenty-nine-A of the Code of West Virginia, 1931, as amended, the Secretary of State shall convene a public hearing at 9:00am on April 1, 1985 in the People's Office for the purpose of taking evidence pertaining to the filing of proposed procedural rule Filing of Rules, Orders, Opinions, Meeting Notices and Other Documents for Inclusion in the Weekly State Register.

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence at the public hearing or mailed to the Administrative Law Division, Secretary of State's Office, Capitol Complex, Charleston, WV 25305. All comments, written or oral, will be made a part of the public hearing record. The department requests that parties wishing to comment make an effort to submit written copies of their comments in order to facilitate review of the comments.

The issues to be heard shall be limited to the proposed rule. Copies of the proposed rule may be obtained by telephoning (304) 345-4000 or writing to Administrative Law Division Secretary of State Capitol Complex Charleston, WV 25305


Rich O. Hartman, Director
Administrative Law Division

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA
1985 FEB 26 PM 5:08
FILED

WEST VIRGINIA PROCEDURAL RULES
SECRETARY OF STATE
CHAPTER 29A-2
SERIES I

Subject: Filing of Rules, Order, Opinions, Meeting Notices and
Other Documents in the Secretary of State's Office for
Inclusion in the State Register

Section 1. General

1.1 Scope - These procedural rules establish the quantity and time requirements related to filing documents in the Secretary of State's Office for inclusion in the State Register.

1.2 Authority - W.Va. Code 29A-2-6

1.3 Filing Date -

1.4 Effective Date -

Section 2. Quantity

2.1 Filing all proposed rules and documents related to such filings, all orders, all opinions, all meeting notices; this office requires only one clean copy.

2.2 When final filing any rule this office requires one original set of the rule with notice of final filing and one copy set of the rule with notice of final filing.

2.3 If an agency wishes a stamped copy of any document filed, for its record, the agency must send two copies with a request that one be stamped and returned to the agency.

Section 3. Time Requirements

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 5:00 p.m. on the Wednesday preceding. All meeting notices received too late to appear in the weekly State Register prior to the date of the meeting advertised will not be printed.

1985 FEB 26 PM 5:07
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Arch A. Moore, Jr.
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305


March 29, 1985

Mr. Rich O. Hartman, Director
Administrative Law Division
Secretary of State's Office
Capitol Complex
Charleston, West Virginia 25305

Dear Mr. Hartman:

My staff and I have reviewed the proposed Secretary of State Procedural Rules, Chapter 29A-2, Series I, relating to the filing of rules, orders, etc. for inclusion in the State Register. It is our impression that these rules are workable and well-written. If we can be of any further assistance, do not hesitate to let us know.

Sincerely,


L. Clark Hansbarger, M.D.
Director of Health

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OFFICE OF THE ATTORNEY GENERAL

CHAUNCEY H. BROWNING, Jr.

MEMORANDUM

TO: Greg Bailey
Deputy Attorney General

DATE: Mar. 29, 1985

FROM: Barbara L. Freedy *BLF*
Special Assistant Attorney General

RE: Secretary of State's Proposed Procedural Rules
Re: Filing of Rules, Orders, Opinions, Meeting
Notices and Other Documents in the Secretary of
State's Office for Inclusion in the State Register

Pursuant to Section 29A-2-6(c) of the West Virginia Administrative Procedures Act, the Secretary of State is authorized to "prescribe such procedural rules as he deems advisable to clarify and interpret the provisions of [section 29A-2-6, entitled 'Format and Numbering of Agency Rules filed in the State Register']". The above-referenced proposed rules are set for public hearing on April 1, 1985.

After discussing these proposed rules with Kay Howard and Howard Fobby, of the Health Department's Division of Regulatory Services, we arrived at the following suggestions with respect to the content of these rules:

(1) That the "original set" of the rule referred to in section 2.2 may be either the actual original or an "equivalent copy," which would be suitable for xeroxing purposes. The reason underlying this suggestion is that such an expanded definition of "original set" would better permit a small agency to cope with the logistics of filing a lengthy (i.e., 100 to 200 page) rule; and

(2) Definition of "meeting notices" in section 3 should be clarified. It is unclear whether "meeting notices" would encompass § 29A-3-5 Notices of Proposed Rulemaking and § 29A-3-7

Notices of (Public) Hearings (for Comments). These sections of the West Virginia Administrative Procedures Act require that such notices must be filed as a part of the APA rule making process. If under the last sentence of section 3 of the proposed rules the Secretary of State could refuse to print such tardy notices, this might create a procedural snag which could later render an otherwise properly promulgated rule invalid.

BLF/cln

cc: Kay Howard
Howard Fobby, Esquire