

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

Form #2

Do Not Mark In this Box

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1992 SEP 11 PM 4:08  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153

RULE TYPE: PROCEDURAL; CITE AUTHORITY §29A-2; 6-9A

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: FILING OF RULES, ORDERS, OPINIONS,  
MEETING NOTICES & OTHER DOCUMENTS IN THE SECRETARY OF STATE'S

OFFICE FOR INCLUSION IN THE STATE REGISTER: FEES  
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 13, 1992 AT 10:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Judy Cooper, Director

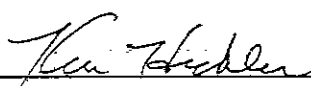
Administrative Law Division

Secretary of State

1900 Kanawha Blvd, E, Bldg. 1, Suite 157K

Charleston, WV 25305-0770

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2180



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE

State Capitol  
Charleston, WV 25305

October 5, 1992

Cleve Benedict  
Commissioner

Ms. Judy Cooper, Director  
Administrative Law Division  
Secretary of State  
1900 Kanawha Blvd., E. Bldg 1, Suite 175K  
Charleston, West Virginia 25305-0770

Dear Judy,

I have a suggested amendment to make to your procedural rule titled "Filing of Rules, Orders, Opinions, Meeting Notices and Other Documents in the Secretary of State's Office for Inclusion in the State Register: Fees", Title 153, Series 1.

You have started asking agencies who have the capability to include a copy of the final version of the rule on a computer disc so that you can enter the rule directly into your system.

I suggest that you check with Legislative Services on any format requirements for the data, concerns about virus protection, etc. and include these items, too. For instance, our publishing division has fits with the bold, underline, and tabs in Word Perfect, so we remove them before we send the disc for publishing. Your system may also have these restrictions and it would be better to have the agencies give the disc to you in the format that you need instead of you revising them.

My recommendation would be to include a sentence in sections 4.4 and 4.5 to state:

The Secretary of State urges all agencies with the capabilities to submit a copy of the rule on a computer disc using either ASCII or a WordPerfect (copyright sign?) format. The information on the disc should be free from the following codes: (etc)

Thanks for letting me comment on this rule.

Sincerely,

Barbara J. Smith  
Director, Compliance Division  
(304)-558-2226 FAX: -3594

BJS:judy

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

OCT 7 9 11 AM '92

FILED

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES RECEIVED

Rule Title: FILING OF RULES, ORDERS, OPINIONS, MEETING NOTICES & OTHER DOCUMENTS IN THE SECRETARY OF STATE'S OFFICE FOR INCLUSION IN THE STATE REGISTER; FEES

Type of Rule: Legislative Interpretive  Procedural

Agency: Secretary of State Address: Bldg 1, Suite 157K, State Capitol

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	B/A	N/A	N/A	N/A	N/A
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

To change time requirements to 4:30 and to increase copying costs to cover the increase in cost of copying and sending rules. Currently a 25 page rule would cost \$4.50. Under this change it would cost \$7.00.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Each state agency is entitled to one free copy of their rules. After this, the cost would increase to cover copying fees.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

The average rule size is 25 pages. This would increase the cost from \$4.50 to \$7.00. However, a larger rule such as 47-35 would increase from \$40.00 to \$45.00.

C. Economic Impact on Citizens/Public at Large.

The average rule size is 25 pages. This would increase the cost from \$4.50 to \$7.00. However, a larger rule such as 47-35 would increase from \$40.00 to \$45.00.

Date: September 11, 1992

Signature of Agency Head or Authorized Representative

Judy Cooper, Director

RECEIVED  
1982 SEP 11 PM 4:06  
OFFICE OF THE SECRETARY OF STATE

TITLE 153  
PROCEDURAL RULES  
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 and 6-9A

1.3. Filing Date. --

1.4. Effective Date. --

§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~~ four-thirty 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~~ four-thirty 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~~ four-thirty 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 two dollars (\$2.00) for labor and postage plus ~~ten (10) cents~~ twenty (20) cents per page for the first fifty (50) pages and ten (10) cents per page for all pages over fifty (50).

8.2. The charge for copies of state statutes shall be five dollars (\$5.00) plus ~~ten (10) cents~~ twenty (20) cents per page for the first fifty (50) pages and ten (10) cents per page for all pages over fifty (50).

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

8.3.1. The charge for certification of state statutes shall be ten dollars (\$10.00) for labor and postage plus twenty (20) cents per page for the first fifty pages and ten (10) cents per page for all pages over fifty (50).

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.



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000

## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

September 11, 1992

The purpose of the changes to this rule are to change the time requirements to 4:30 p.m. instead of 5:00 p.m.

Also, to change the copying cost to cover the ever increasing material, postage and labor costs.

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