

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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Deputy Secretary of State

Telephone (304) 345-4000
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FILED

1985 APR 15 PM 12:09

STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus, all the volunteer
help we can get)

NOTICE OF EMERGENCY RULE

RULE TITLE: Standard Size and Format for Rules and Related Documents

Filed in the Secretary of State's Office

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

See the Attached

A handwritten signature in black ink, appearing to be "Richard S. Stephenson", written over a horizontal line.

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Emergency Filing of Secretary of State's
Legislative Rule: Standard Size & Format
for Rules & Related Documents Filed in the
Secretary of State's Office for Inclusion
in the State Register; Chapter 29A-2, Series
I.

Pursuant to Code 29A-3-15 the Office of the Secretary of State hereby files the above
rule as an Emergency Rule to prevent substantial harm to the public interest.

STATEMENT OF FACTS & CIRCUMSTANCES CONSITITUTING THE EMERGENCY

1. Code 29A-2-6(c) authorizes the Secretary of State to prescribe by legislative rule a standard size and format for rules to be filed in the State Register. The current rules are not legislative but procedural and so do not meet the Code requirement.
2. The current rule is outdated since it was promulgated prior to the 1982 amendments to the Administrative Procedures Act.
3. The current status of filings in the State Register is one of various formats and sizes. In order to begin cleaning up the Register this office needs consistent formatting of future rules. Under the normal procedures these changes would not become effective until April 1986. This would perpetuate the receipt of improper formatting or filing for an additional year and delay the proper function of this office as a repository of agency rules.

Rich O. Hartman, Director
Administrative Law Division
Office of the Secretary of State

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EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
SECRETARY OF STATE
CHAPTER 29A-2
SERIES I

OFFICE OF THE SECRETARY OF STATE

Title: Standard Size and Format for Rules and Related Documents Filed
in the Secretary of State's Office

Section 1. General

1.1 Scope - This legislative rule establishes the standard size and format for rules and related documents required to be filed with the Secretary of State for inclusion in the State Register.

1.2 Authority - W.Va. Code 29A-2-6(c).

1.3 Filing Date - April 15, 1985

1.4 Effective Date - April 15, 1985

1.5 Repeal of Former Rule - This legislative rule repeals West Virginia Procedural Rule "Secretary of State, Chapter 29A-2, Series I, Filing of Administrative Rules and Regulations in the Secretary of State's Office (1981) amended", filed July 30, 1981.

Section 2. Standard Size of Rules and Related Documents

2.1 All rules and related documents shall be typed on white eight and one-half inch by eleven inch paper, single spaced and on one side only.

2.2 All rules shall have at least one inch margins on the left side and one-half inch on the right, top and bottom surrounding the text.

Section 3. Proposed New Rules

3.1 All proposed new rules shall be designated as either "Legislative Rule", "Interpretive Rule" or "Procedural Rule."

3.2 The title page(s) of all proposed new rules shall follow the format as shown on the title page of this rule and shall include a Section One with Scope, Authority, Filing Date, Effective Date and Repeal of Former Rule. During the time the rule is proposed the Filing Date and Effective Date shall be blank.

EMERGENCY
Sec. of State
Leg. Rule, 29A-2
Series I, Sec. 3

3.3 Series numbers shall be consecutive and in Roman numerals. The first series shall be the first rule of each type issued under the chapter and article authorizing promulgation of the rule.

3.4 No proposed new rule shall be designated a mixture of a legislative, interpretive and/or procedural rule.

Section 4. Proposed Amendments to Existing Rules

4.1 Except for final filing, only those sections or subsections being amended shall be filed, not the entire rule.

4.2 Attached to the proposed amended sections or subsections shall be the title page(s) of the existing rule being amended, showing the title, rule designation, scope, authority, filing date, effective date and repeal of former rule of the existing rule.

4.3 New language shall be underscored and language to be deleted shall be marked through but clearly legible.

4.4 The same format requirements related to margins, page identification and rule designation shall apply to the sections or subsections being amended.

4.5 No proposed amendment shall be designated a mixture of legislative, interpretive and/or procedural rule.

Section 5. Page Identification

5.1 In the upper left corner of each page, except the title page(s), shall be the agency name, rule type, chapter-article, series number and section which begins or continues on that page.

5.2 Pages shall be numbered in the lower right corner.

Section 6. Final Filing of New Rules

6.1 The filing date and effective date shall be typed in the appropriate places in Section 1 "General".

6.2 One original and one clean copy of the rule shall be filed with standard three hole punched along the left side.

Section 7. Final Filing of Amendments to an Existing Rule

7.1 The entire rule as amended shall be filed.

7.2 All underlining and mark throughs which demonstrated the language amended shall be removed.

EMERGENCY
Sec. of State
Leg. Rule, 29A-2
Series I, Sec. 8

Section 8. Indention of Subsections, Numbering and Underlining of Section Titles

8.1 All Sections shall be titled and underlined.

8.2 Indention shall be only for the first line of each subsection, sub-subsection and further outline breakdowns.

8.3 Subsection numbering shall be consecutive and continue through further outline breakdowns such as 9.2.1 and 9.2.1.1 or 9.2.1a etc.

Section 9. Indexing

9.1 An index shall be included with all final filings.

9.2 The index shall follow the format shown by the index to this rule.

9.3 The index shall be broken down by sections with the section title and page number. The agency may also breakdown the index by subsections.

Section 10 Emergency Rules

10.1 All emergency rules shall follow the same format for new rules or amendments for existing rules.

10.2 All emergency rules shall clearly state at the top of each page, in the left corner as part of the page identification, "EMERGENCY".

Section 11 Refusal to Accept Agency Filings

No rule shall be accepted by this office if it is not in compliance with these rules.

Section 12 Incorporation by Reference

12.1 If a rule incorporates by reference any other document, from any source outside the agency, it shall clearly state within the rule by proper citation the document being incorporated. The agency shall not reproduce and include within the rule the document being incorporated.

12.2 When incorporating by reference any document from any source outside of the agency or organization, the agency shall separately file in this office the document incorporated by reference.

EMERGENCY
Sec. of State
Leg. Rule, 29A-2
Series I, Sec. 13

Section 13 Extensive Revision of Existing Rules

13.1 When an agency proposes extensive revisions of an existing rule the agency may follow the format as a proposed new rule.

13.2 In such cases the agency shall also clearly indicate with an additional subsection the rule to be repealed by the proposed extensive revision. (Refer to Section 1.5 of this rule for an example).

EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
SECRETARY OF STATE
CHAPTER 29A-2
SERIES I

FILED
1985 APR 15 PM 12:09
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Standard Size and Format for Rules and Related Documents Filed in the
Secretary of State's Office

- Section 1. General
2. Standard Size of Rules and Related Documents
 3. Proposed New Rules
 4. Proposed Amendments to Existing Rules
 5. Page Identification
 6. Final Filing of New Rules
 7. Final Filing of Amendments to an Existing Rule
 8. Indention of Subsections, Numbering and Underlining of Section Titles
 9. Indexing
 10. Emergency Rules
 11. Refusal to Accept Agency Filings
 12. Incorporation by Reference
 13. Extensive Revision of Existing Rules

FISCAL NOTE FOR PROPOSED RULES

FILED

Standard size and format for rules and related documents filed in the
 Rule Title: Secretary of State's office, Chapter 29A-2, Series I

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 OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

Type of Rule: xxx EMERGENCY Legislative _____ Interpretive _____ Procedural

Agency Secretary of State Address State Capitol
 Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations	0	0	0	0	0
Equipment					
Other					

2. Explanation of above estimates.
 No Fiscal Impact

3. Objectives of these rules: To establish standard size and format of rules filed in the Secretary of State's office in order to facilitate publication of the State Register.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

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

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date April 15, 1985

Signature of Agency Head or Authorized Representative


