

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2002 JUN 25 P 4:52

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code § 5A-8-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 14

TITLE OF RULE BEING PROPOSED: Management of Records Maintained by Records Center

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 7/25/02 AT 10:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Donna Prunty, Executive Coordinator

Department of Administration

1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 5A-8-1

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The Public Records Management and Preservation Act was previously established by the Legislature. The purpose of the rules is to establish the Records Management Program policies, definitions and procedures to be followed and used by each executive agency and its subordinate offices.

TITLE 148
WEST VIRGINIA DEPARTMENT OF ADMINISTRATION
RECORDS MANAGEMENT AND PRESERVATION

FILED

SERIES 14
RULES FOR THE MANAGEMENT OF RECORDS
MAINTAINED BY THE RECORDS CENTER

2002 JUN 25 P 4: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 148-14-1 General.

1.1 Scope.-- This Legislative Rule sets forth the Standards, Procedures and Techniques for effective management of records.

1.2 Authority. - W.Va. Code §5A-8-1 through §5A-8-20.

1.3 Filing Date. - _____

1.4 Effective Date. - _____

1.5 Purpose. - The purpose of the rule is to establish standards, policies and procedures to be followed and used for the management of records maintained by the Records Center.

§ 148-14-2 Applicability.

2.1 This legislative rule applies to all agencies, except those statutorily exempted from its application.

§ 148-14-3 Records Center.

3.1 The West Virginia State Records Center shall be a fireproof storage facility located in a centralized location in West Virginia which may be owned and/or operated or privatized.

3.2 Records whose reference rate does not warrant retention in expensive office space and equipment may be retired to the Records Center at the option of the agency.

3.3 Records Center will provide security of agency records, along with such services as retrieval of records, shredding of records eligible for disposal, and limited copying services.

3.4 The Agency Records Manager and personnel responsible for packing and transferring records to the Records Center shall do so as required by the Records Center.

§ 148-14-4 Selection of Records for Retirement.

4.1 Records eligible for storage should be transferred annually by the agency to the Records Center.

4.2 Listings of records eligible for storage should be prepared by the Agency Records Manager from the agency's current Retention & Disposal Schedule.

4.3 When planning records retirement, sufficient time should be allowed to secure storage cartons, accession number, pack and label cartons and make arrangements regarding physical transfer of records.

§ 148-14-5 Standard Records Storage.

5.1 All records retired to the Records Center should be packed in standard records storage cartons. Odd-sized boxes and transfer cases will not be accepted without prior approval of the Records Center.

5.2 All records should be organized, boxed, and filed as required by the State Records Center.

§ 148-14-6 Authorized Personnel.

6.1 It is incumbent upon the Agency Chief Executive Officer to submit to the Administrator a listing of agency personnel authorized to request records or information stored in the Records Center.

§ 148-14-7 Procedure.

7.1 Records and/or information may be requested from the Records Center as required by the State Records Center.

§ 148-14-8 Disposal of Records by Records Center Personnel.

8.1 Records and documents stored in the Records Center will be held until the disposal date specified on the accompanying Records Center Shelf Listing form. Once sections §148-14-11 and §148-14-12 of these rules have been completed, the records will be removed from the Records Center. To protect confidentiality of certain records, agencies may request records to be shredded.

§ 148-14-9 Request for Authorization to Destroy Records Stored in Records Center.

9.1 Request for Authorization to Destroy Records will be prepared and forwarded to the appropriate agency by the Administrator whenever records in his/her custody become eligible for disposal.

The agency head will either approve or disapprove disposal action and so advise the Administrator. If the Administrator is not advised within thirty days from date of request, the records will be destroyed. If the agency disapproves destruction of the records, it must furnish a detailed justification on reverse side of the form for extending retention time.

§ 148-14-10 Destruction of Eligible Records by the Records Center.

10.1 On return of the Request for Authorization to Destroy Records which is approved by the agency, the Administrator will destroy the records listed thereon by the method authorized on the agency's current Retention and Disposal Schedule.

10.2 After the records have been destroyed, the Administrator will furnish the agency a Certificate of Destruction. Upon receipt of the Certificate of Destruction the Records Manager will destroy the pending or unsigned copy of the Request for Authorization to Destroy Records.

10.3 Disposal information will then be transferred to a Records Disposal Log, thus providing the complete disposal history of the record series.

10.4 The Certificate of Destruction and Request for Authorization to Destroy Records should be filed by the Records Manager in a folder and retained permanently.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 148, Series 12, 13 & 14, W.Va. Code §5A-8-1

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Administration

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed Rule:

	ANNUAL FISCAL YEAR				
	Increase	Decrease	Current	Next	Thereafter
ESTIMATED TOTAL COST					250,000.00
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There would be no anticipated increased cost to the State for the management and preservation of hard-copy records maintained at the records center. However, the State needs to evaluate the possibility of providing a place for agencies to archive their digital data much like the Records Center and the possibility of an automated Records Management system. The estimated cost would be approximately \$250,000.00 just for the study and then hardware and software would come later.

3. Objectives of These Rules:

To establish policies, definitions and procedures to be followed and used by each executive agency and its subordinate offices.

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

No immediate fiscal impact to the State. However, future costs for the storage of digital data would be estimated at \$250,000.00.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

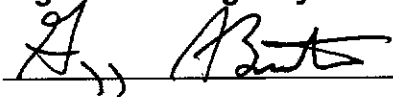
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 6-25-02

Signature of Agency Head or Authorized Representative:





STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

June 25, 2002

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re: Legislative Rules

Dear Secretary Manchin,

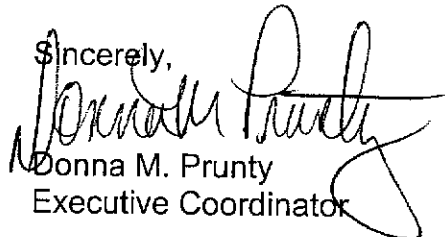
I am enclosing an original and one copy of the documents listed below for filing. The proposed rules are being filed in regard to Records Management and Preservation. I will provide a copy of the enclosed documents to the Legislative Rule Making Review Committee once they are marked filed by your office.

The documents enclosed consist of the following:

1. Notice of Comment Period on a Proposed Rule,
2. Statement of Circumstance and Brief Summary,
3. Proposed Rules, and
4. Fiscal Note for Proposed Rules.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,



Donna M. Prunty
Executive Coordinator

DMP:dp
Enclosures
cc: Gregory A. Burton, Cabinet Secretary