

**Committee for the Purchase of
Commodities and Services from the Handicapped**

P.O. Box 745
Institute, WV 25112

Minutes

March 18, 1998

Small Conference Room
West Virginia Rehabilitation Center
Institute, West Virginia

The meeting of the Committee for the Purchase of Commodities and Services from the Handicapped was called to order by Lee Dixon. In attendance were Jack McComas, William Charnock, Tom Bell, Linda Maniak, Steve King, Debra Bensey, Chris Miller, and Deloris Wilder. Jerry Tribble filled in as an alternate for Janice Holland. Tim Urbanic and Debbie Tippey were guests from Shawnee Hills.

The minutes of the meeting of February 18, were approved with corrections. Jerry Tribble gave a Financial Report, which included deductions of January expenses leaving a balance of \$3,348.11.

Chairman Lee Dixon reported a letter was mailed to Delegate Ron Walters as requested by the committee regarding the 75%-25% disabled ratio. This letter was attached to the minutes today. Steve King reported he was unable to contact Curt Curtis to discuss his appointment as Executive Secretary to this committee. A motion was made by Jack McComas for Steve King to continue his efforts contacting Curt Curtis & Dave Tincher regarding purchasing card issues and Mr. Curt Curtis appointment as Executive Secretary. Tom Bell seconded the motion; motion carried.

There was considerable discussion about employee benefits lead by Jack McComas. A recommendation was made to Steve King that some investigative work take place to determine what would be incurred for a benefit package for contract employees. It was noted that Federal contracts allow \$1.16 for benefits and \$6.92 for salary. State Use pay is \$5.15 per hour. Considerable discussion was held regarding ways or methods to secure increase funding for wage & benefit package to be included in next year's budget. It was agreed that Roger Smith, Head of Budget Programs or someone from the Governor's Office be invited to the next meeting. It was also agreed that Mr. Jim Teets should be invited to the next meeting. A motion was made by Tom Bell for these contacts to be made. Jack McComas seconded the motion; motion carried.

At this time, Steve King invited the Committee to the Annual WARF Awards Dinner in Glade Springs. Invitations will be forthcoming.

Chris Miller reported claims filed have been paid. Chris will write a letter to the Clerk of Courts reporting current status of claims filed with a carbon copy to William Charnock. Chris Miller will also draft a letter to Dan Gilcrest, Deputy Director of General Services explaining the payment history of General Services. Chris Miller has communicated to all outstanding accounts and thank the Committee for their effective suggestions to expedite this process.

Chairman: **Lee Dixon**

Members: **Linda Maniak, Janice Holland, Tom Bell, Jack McComas, William Charnock**

Ex Officio Members: **Curt Curtiss**, Executive Secretary

Stephen R. King, Executive Director, West Virginia Association of Rehabilitation Facilities

A brief discussion was held on the many delinquent accounts of the Division of Rehabilitation Services, particularly in the Fiscal Department. Jerry Tribble will discuss the payment process with Janice Holland, Assistant Director, Program and Administrative Support Services. Tom Bell suggested Chris Miller provide to the Committee next month the "Problem Agency" for the Committee to review in lieu of the detailed report. In other words, the most outstanding account or the agency most difficult to deal with for collections should be presented to the Committee. Also, Mr. Bell suggest writing a letter to each outstanding agency of the action needed to be taken. The Committee agreed to these suggestions.

NEW BUSINESS:

There was a lengthy discussion lead by Tim Urbanic regarding difficulties with the Shawnee Hills Pre-Sort contracts with General Services. Their mail volume has been reduced about 40-50%. It appeared that private vendors had received contracts circumventing State Use. Due to the short time of resolution of this problem, William Charnock made a motion for an emergency meeting of this committee be scheduled next week. Jack McComas seconded the motion; motion carried.

Central Stockroom contract is up for renewal. There were no changes. William Charnock motioned approval for the Central Stockroom contract. Jack McComas seconded the motion; motion carried.

The contract for Weston was reviewed. Jack McComas motioned approval of the Weston contract. Tom Bell seconded the motion; motion carried.

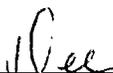
The Pre-Sort contract was discussed. A motion by Lee Dixon to approve the Pre-Sort contract was made. Jack McComas seconded the motion; motion carried.

The Committee approved the contract with the Department of Highway with renewal and additions as indicated by Debra Bensey. Tom Bell motioned the approval. Jack McComas seconded the motion; motion carried.

A new contract with the Kanawha Mall was introduced. Goodwill of Kanawha Valley will be providing the services. Jack McComas motioned the contract approved. Tom Bell seconded the motion; motion carried.

The General Services, State Office Building contract was continued beginning 3-1-98 - June 30, 1998. Jack McComas motioned the contract approved. Tom Bell seconded the motion; motion carried.

There being no further business to be brought before the committee, Jack McComas made a motion for adjournment. Tom Bell seconded the motion; motion carried. The time and place for the next meeting was decided in January to be **April 29, 9:30 a.m. in the Small Conference Room at the Institute Complex.**



Deloris Wilder, Recorder

COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES
FROM THE HANDICAPPED

Small P & P Conference Room
W.V. Division of Rehabilitation Services Complex
Institute, West Virginia
March 18, 1998

AGENDA

- I. 9:30 Roll Call
 - II. Approval of Minutes of Previous Meeting
 - III. Financial Report
 - IV. Report of Chairman
 - V. Report of Executive Secretary
 - VI. Report of WVARF Executive Director
 - VII. Old Business
 - A. Update on Accounts Receivables
 - VIII. New Business
-
- IV. Contract Presentation from CNA
 - A. Renewals
 - 1. Central Stock
 - 2. Grounds Weston State Hospital/Sharpe
 - 3. Presort Contract
 - B. New Contracts
 - 1. Dept. of Highways - Michigan Ave.
 - 2. DMV- Kanawha Mall
 - 3. P&G 2nd Floor

**WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES
STANDARD JANITORIAL PRICE ESTIMATE**

**CUSTOMER: Central Stock
LOCATION: Charleston**

A. BUILDING DESCRIPTION

Area Description	Difficulty Factor (.5 to 1.5)	Square Feet	Adjusted Square Feet
*	1.0	3,000	3,000
*	0.0	0	0
*	0.0	0	0
*	0.0	0	0
Number of days per week cleaned	5		
TOTAL ADJUSTED SQUARE FEET		3,000	

B. STAFFING DATA

*Wage Rate (Supervisor-Client)	\$5.15
*Wage Rate (Supervisor-Non-client)	\$5.15
*Wage Rate (Worker-Client)	\$5.15
*Wage Rate (Worker-Non-client)	\$5.15
*Wage Benefits	12.00%
*Other Benefits	0.00%

C. DAILY STAFFING PLAN

Total Adjusted Square Feet	3,000 square feet
Cleaning hours per day	1.50 hours/day
*Time allocation-Working Client Supervisor	0.00 hours/day
*Time allocation-Working Non-client Supervisor	0.75 hours/day
*Time allocation-Client Workers (hours)	0.75 hours/day
*Time allocation-Non-Client Workers (hours)	0.00 hours/day
Annual relief (Supervisor)	12.00 hours/year
Annual relief (Workers)	12.00 hours/year

D. MONTHLY DIRECT COSTS

Supervision	\$83.69 Wages/month
Relief-Supervision	\$5.15 Wages/month
Client workers	\$83.69 Wages/month
Non-client Workers	\$0.00 Wages/month
Relief-Workers	\$5.15 Wages/month
Monthly Burdened Direct Labor Costs	\$197.32 per month
Standard chemical cost	6% \$11.84 of burdened DL
Standard equipment cost	4% \$7.89 of burdened DL
Monthly Chemical and Equipment Costs	\$19.73 per month
TOTAL MONTHLY DIRECT COSTS	\$217.05

E. OVERHEAD RATES AND FEES

*Janitorial Work Unit Overhead Rate	10%	\$21.71
	7%	\$16.71
	5.50%	\$13.13
FULLY BURDENED COST		\$255.47

F. MONTHLY PROFIT AND FEES

*Profit Rate and Monthly Profit	8%	\$19.93	8.14%
WVARF Fee Rate and Monthly Fee	4%	\$11.02	

G. TOTAL STANDARD SERVICE CHARGE TO CUSTOMER

MONTHLY	\$286.42
ANNUALLY	\$3,436.99
Total Annual Square Foot Cost-Standard	\$1.15 per square foot

H. DELUXE FLOOR CARE FEE

*Charge Per Square Foot	0.0 cents/sq foot
*Number of Floor Cleanings Per Year	2 cleanings/year
Total Deluxe Floor Care Charge	\$0.00
WVARF Fee	4.00%
TOTAL ANNUAL DELUXE FLOOR CARE FEE	\$0.00

I. PRICE OF CONTRACT

TOTAL ANNUAL CHARGE TO CUSTOMER	\$3,436.99
TOTAL MONTHLY BILLING AMOUNT	\$286.42
Total Annual Square Foot Cost-Deluxe	\$1.15 per square foot

J. CONTRACT

Vendor
Contract Period

Shawnee Hills
March 1, 1998 - February 28, 1999

Small Business Impact:

None, Shawnee Hills has had contract.

Notes:

1. Disposables supplied by the State of West Virginia.
2. Use of crew labor authorized.
3. Relief based on 5 vacation days, 5 sick days, and 6 holidays
4. Price based on a standard work week of 40 hours

WVARF agrees to provide services for the above amount pending final approval by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Accepted and approved by:

Debra M. Bensey
West Virginia Association of
Rehabilitation Facilities

Printed Name: _____
Office: _____
Governor's Committee for the Purchase
of Commodities and Services from the Handicapped

**WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES
STANDARD JANITORIAL PRICE ESTIMATE**

**CUSTOMER: WESTON STATE HOSPITAL/SHARPE MEMORIAL
LOCATION: WESTON**

A. STAFFING DATA

Number of days per week mowed	5.00
*Wage Rate (Supervisor-Client)	\$6.00
*Wage Rate (Supervisor-Non-client)	\$6.00
*Wage Rate (Worker-Client)	\$5.15
*Wage Rate (Worker-Non-client)	\$5.15
*Wage Benefits	16.60%

B. DAILY STAFFING PLAN

Mowing hours per day	20.00 hours/day
*Time allocation-Working Client Supervisor	8.00 hours/day
*Time allocation-Working Non-client Supervisor	0.00 hours/day
*Time allocation-Client Workers (hours)	12.00 hours/day
*Time allocation-Non-Client Workers (hours)	0.00 hours/day
Annual relief (Supervisor)	0.00 hours/year
Annual relief (Workers)	0.00 hours/year

C. MONTHLY DIRECT COSTS

Supervision	\$1,040.00	Wages/month
Relief-Supervision	\$0.00	Wages/month
Client workers	\$1,339.00	Wages/month
Non-client Workers	\$0.00	Wages/month
Relief-Workers	\$0.00	Wages/month
Monthly Burdened Direct Labor Costs	\$2,747.13	per month
Equipment: 2 riding mowers		
1 push mower		
3 weed eaters		
1 trailer	\$429.00	
Supplies: Gasoline, Oil, Gas Containers		
Water Coolers, Weed Eater Strings		
Repair & Maint. supplies	\$110.00	
Monthly Chemical and Equipment Costs	\$539.00	per month
Travel: Crew - 10 miles a week	163.80	\$13.65
Job Squad Staff - 60 miles a week	982.80	\$81.90
TOTAL MONTHLY DIRECT COSTS	\$3,286.13	

D. OVERHEAD RATES AND FEES

*Janitorial Work Unit Overhead Rate	15.00%	\$492.92
FULLY BURDENED COST		\$3,779.05

E. MONTHLY PROFIT AND FEES

*Profit Rate and Monthly Profit	10.00%	\$377.91
WVARF Fee Rate and Monthly Fee	4.00%	\$166.28

F. TOTAL STANDARD SERVICE CHARGE TO CUSTOMER

MONTHLY	\$4,323.24
ANNUALLY	\$28,101.05

WEEKLY	\$969.00
EACH DAY	\$193.80

WESTON STATE HOSPITAL MOWING CYCLE	\$775.20
SHARPE MEMORIAL MOWING CYCLE	\$581.40

4 days
3 days

G. CONTRACT

Vendor
Contract Period

Job Squad
April 1, 1998 - October 30, 1998

WVARF agrees to provide services for the above amount pending final determination of the "fair market price" by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Debra M. Bensey
Debra M. Bensey
West Virginia Association of Rehabilitation Facilities
Director of Operations

Accepted and approved by:

Printed Name: _____
Office: _____
Governor's Committee for the Purchase of
Commodities and Services from the Handicapped

**WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES
STANDARD JANITORIAL PRICE ESTIMATE**

CUSTOMER: Department of Highways
LOCATION: Michigan Avenue

A. BUILDING DESCRIPTION

Area Description	Difficulty Factor (.5 to 1.5)	Square Feet	Adjusted Square Feet
1st floor -	1.5	12,450	18,675
2nd floor -	1.5	1,840	2,760
3rd floor -	1.5	12,450	18,675
	0.0	0	0
Number of days per week cleaned	5	26,740	
TOTAL ADJUSTED SQUARE FEET		40,110	
***Reason for 1.5 Difficulty factor - Very cluttered, small rooms, winding halls, bad tile on floors, ledges on walls requiring extra dusting.			

B. STAFFING DATA

*Wage Rate (Supervisor-Client)	\$6.00
*Wage Rate (Supervisor-Non-client)	\$6.00
*Wage Rate (Worker-Client)	\$5.15
*Wage Rate (Worker-Non-client)	\$5.15
*Wage Benefits	13.57%
*Other Benefits	0.00%

C. DAILY STAFFING PLAN

Total Adjusted Square Feet	40,110 square feet
Cleaning hours per day	24.00 hours/day
*Time allocation-Working Client Supervisor	0.00 hours/day
*Time allocation-Working Non-client Supervisor	8.00 hours/day
*Time allocation-Client Workers (hours)	16.00 hours/day
*Time allocation-Non-Client Workers (hours)	0.00 hours/day
Annual relief (Supervisor)	128.00 hours/year
Annual relief (Workers)	256.00 hours/year
Customer has requested that we use 3 full time janitors instead of our recommended 2.	

D. MONTHLY DIRECT COSTS

Supervision	\$1,040.00 Wages/month
Relief-Supervision	\$64.00 Wages/month
Client workers	\$1,785.33 Wages/month
Non-client Workers	\$0.00 Wages/month
Relief-Workers	\$109.87 Wages/month.
Monthly Burdened Direct Labor Costs	\$3,370.48 per month
Standard chemical cost	\$134.82 of burdened DL
Standard equipment cost	\$101.11 of burdened DL
Monthly Chemical and Equipment Costs	\$235.93 per month
TOTAL MONTHLY DIRECT COSTS	\$3,606.42

E. OVERHEAD RATES AND FEES

*Janitorial Work Unit Overhead Rate	15.00%	\$540.96
	0.00%	\$0.00
	0.00%	\$0.00
FULLY BURDENED COST		\$4,147.38

F. MONTHLY PROFIT AND FEES

*Profit Rate and Monthly Profit	10.00%	\$414.74
WVARF Fee Rate and Monthly Fee	4.00%	\$182.48

G. TOTAL STANDARD SERVICE CHARGE TO CUSTOMER

MONTHLY	\$4,744.60
ANNUALLY	\$56,935.25
Total Annual Square Foot Cost-Standard	\$1.42 per square foot

H. DELUXE FLOOR CARE FEE

*Charge Per Square Foot	12 cents/sq foot
*Number of Floor Cleanings Per Year	2 cleanings/year
Total Deluxe Floor Care Charge	\$6,417.60
WVARF Fee	4.00% \$256.70
TOTAL ANNUAL DELUXE FLOOR CARE FEE	\$6,674.30

I. PRICE OF CONTRACT

TOTAL ANNUAL CHARGE TO CUSTOMER	\$63,609.56	\$22,183.56
TOTAL MONTHLY BILLING AMOUNT	\$5,300.80	\$1,848.63
Total Annual Square Foot Cost-Deluxe	\$1.59 per square foot	\$140.00
MONTHLY		
April 1, 1997 - March 31, 1998	\$1,848.63	\$22,183.56
April 1, 1998 - March 31, 1999	\$5,300.80	\$63,609.56
(Reason for increase 2 floors added to contract increasing staffing by two)		

J. CONTRACT

Vendor: Goodwill of Charleston
 Contract Period: April 1, 1997 - March 31, 1998

Small Business Impact: None, service has not been provided.

Notes:

1. Disposables supplied by the State of West Virginia.
2. Use of crew labor authorized.
3. Relief based on 5 vacation days, 5 sick days, and 6 holidays
4. Price based on a standard work week of 40 hours

WVARF agrees to provide services for the above amount pending final approval by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Accepted and approved by:

Debra M. Bensey
 Debra M. Bensey
 West Virginia Association of
 Rehabilitation Facilities
 Director of Operations

Printed Name: _____
 Office: _____

Governor's Committee for the Purchase of
 Commodities and Services from the Handicapped

**WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES
STANDARD JANITORIAL PRICE ESTIMATE**

CUSTOMER: Department of Motor Vehicles
LOCATION: Kanawha Mall

A. BUILDING DESCRIPTION

Area Description	Difficulty Factor (.5 to 1.5)	Square Feet	Adjusted Square Feet
I. Offices	1.00	3,216	3,216
*	0.00	0	0
*	0.00	0	0
*	0.00	0	0
Number of days per week cleaned	5.00		
TOTAL ADJUSTED SQUARE FEET		3,216	

B. STAFFING DATA

*Wage Rate (Supervisor-Client)	6.00
*Wage Rate (Supervisor-Non-client)	6.00
*Wage Rate (Worker-Client)	5.15
*Wage Rate (Worker-Non-client)	5.15
*Wage Benefits	11.65%
*Other Fringe Benefits	0.00

C. DAILY STAFFING PLAN

Total Adjusted Square Feet	3,216 square feet
Cleaning hours per day	1.40 hours/day
*Time allocation-Working Client Supervisor	0.00 hours/day
*Time allocation-Working Non-client Supervisor	0.70 hours/day
*Time allocation-Client Workers (hours)	0.70 hours/day
*Time allocation-Non-Client Workers (hours)	0.00 hours/day
Annual relief (Supervisor)	11.20 hours/year
Annual relief (Workers)	11.20 hours/year

D. MONTHLY DIRECT COSTS

Supervision		91.00 Wages/month
Relief-Supervision		5.60 Wages/month
Client workers		78.11 Wages/month
Non-client Workers		0.00 Wages/month
Relief-Workers		4.81 Wages/month
Monthly Burdened Direct Labor Costs		198.87 per month
Standard chemical cost	6.00%	11.93 of burdened DL
Standard equipment cost	4.00%	7.95 of burdened DL
Monthly Chemical and Equipment Costs		19.89 per month
TOTAL MONTHLY DIRECT COSTS		218.75

E. OVERHEAD RATES AND FEES

*Janitorial Work Unit Overhead Rate	20.00%	43.75
	0.00%	0.00
	0.00%	0.00
FULLY BURDENED COST		262.50

F. MONTHLY PROFIT AND FEES

*Profit Rate and Monthly Profit	10.00%	26.25
WVARE Fee Rate and Monthly Fee	4.00%	11.55

G. TOTAL STANDARD SERVICE CHARGE TO CUSTOMER

MONTHLY	\$300.30
ANNUALLY	\$3,603.65
Total Annual Square Foot Cost-Standard	\$1.12 per square foot

H. DELUXE FLOOR CARE FEE

*Charge Per Square Foot		17 cents/sq foot
*Number of Floor Cleanings Per Year		2 cleanings/year
Total Deluxe Floor Care Charge		\$1,093.44
WVARE Fee	4.00%	\$43.74
TOTAL ANNUAL DELUXE FLOOR CARE FEE		\$1,137.18

I. PRICE OF CONTRACT

TOTAL ANNUAL CHARGE TO CUSTOMER	\$4,740.83
TOTAL MONTHLY BILLING AMOUNT	\$395.07
Total Annual Square Foot Cost-Deluxe	\$1.47 per square foot

J. CONTRACT

Vendor Goodwill of Kanawha Valley
 Contract Period

Notes:

1. Disposables supplied by the State of West Virginia.
2. Use of crew labor authorized.
3. Relief based on 5 vacation days, 5 sick days, and 6 holidays
4. Price based on a standard work week of 40 hours

WVARE agrees to provide services for the above amount pending final determination of the "fair market price" by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Accepted and approved by:



 Debra M. Bensey
 West Virginia Association of Rehabilitation Facilities
 Director of Operations

Printed Name: _____
 Office: _____
 Governor's Committee for the Purchase of
 Commodities and Services from the Handicapped

**WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES
STANDARD JANITORIAL PRICE ESTIMATE**

CUSTOMER: General Services
LOCATION: State Office Building
Capitol Complex

A. BUILDING DESCRIPTION

Area Description	Difficulty Factor (.5 to 1.5)	Square Feet	Adjusted Square Feet
P&G BUILDING - 2nd floor	1.00		6,200
Number of days per week cleaned	5.00		6,200
TOTAL ADJUSTED SQUARE FEET			6,200

B. STAFFING DATA

*Wage Rate (Supervisor-Client)	\$6.00
*Wage Rate (Supervisor-Non-client)	\$6.00
*Wage Rate (Worker-Client)	\$5.15
*Wage Rate (Worker-Non-client)	\$5.15
*Wage Benefits	11.65%
*Other Benefits	0.00

C. DAILY STAFFING PLAN

Total Adjusted Square Feet	6,200 square feet
Cleaning hours per day	3.00 hours/day
*Time allocation-Working Client Supervisor	0 hours/day
*Time allocation-Working Non-client Supervisor	1.50 hours/day
*Time allocation-Client Workers (hours)	1.50 hours/day
*Time allocation-Non-Client Workers (hours)	0 hours/day
Annual relief (Supervisor)	24 hours/year
Annual relief (Workers)	24 hours/year

D. MONTHLY DIRECT COSTS

Supervision		\$195.00 Wages/month
Relief-Supervision		\$12.00 Wages/month
Client workers		\$167.38 Wages/month
Non-client Workers		\$0.00 Wages/month
Relief-Workers		\$10.30 Wages/month
Monthly Burdened Direct Labor Costs		\$426.14 per month
Standard chemical cost	6.00%	\$25.57 of burdened DL
Standard equipment cost	4.00%	\$17.05 of burdened DL
Monthly Chemical and Equipment Costs		\$42.61 per month
TOTAL MONTHLY DIRECT COSTS		\$468.76

E. OVERHEAD RATES AND FEES

*Janitorial Work Unit Overhead Rate	10.00%	\$46.88
*DBG Overhead	7.00%	\$36.09
*Shawnee Hills Overhead	5.50%	\$28.36
FULLY BURDENED COST		\$551.73

F. MONTHLY PROFIT AND FEES

*Profit Rate and Monthly Profit	8.36%	\$46.14
WVARF Fee Rate and Monthly Fee	4.00%	\$23.91

G. TOTAL STANDARD SERVICE CHARGE TO CUSTOMER

MONTHLY	\$621.78
ANNUALLY	\$7,461.36
Total Annual Square Foot Cost-Standard	1.20345 per square foot

H. DELUXE FLOOR CARE FEE

*Charge Per Square Foot	\$0.00 cents/sq foot
*Number of Floor Cleanings Per Year	\$0.00 cleanings/year
Total Deluxe Floor Care Charge	0.00
WVARF Fee	4.00%
TOTAL ANNUAL DELUXE FLOOR CARE FEE	0.00

I. PRICE OF CONTRACT

TOTAL ANNUAL CHARGE TO CUSTOMER	\$7,461.36
TOTAL MONTHLY BILLING AMOUNT	\$621.78
Total Annual Square Foot Cost-Deluxe	1.2034 per square foot

J. CONTRACT

Vendor Shawnee Hills
 Contract Period

Small Business Impact: None, new location

Notes:

1. Disposables supplied by the State of West Virginia.
2. Use of crew labor authorized.
3. Relief based on 5 vacation days, 5 sick days, and 6 holidays
4. Price based on a standard work week of 40 hours

WVARF agrees to provide services for the above amount pending final approval by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Accepted and approved by:

Debra M. Bensey
West Virginia Association of
Rehabilitation Facilities

Printed Name: _____
Office: _____
Governor's Committee for the Purchase
of Commodities and Services from the Handicapped

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900
E-Mail WVSOS@Secretary.State.WV.US



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

CATHERINE FREROTTE
Executive Assistant

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

TO: AGENCIES SUBJECT TO W. VA. CODE §29A-3-1 ET SEQ.
FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION
SUBJECT: RULE-MAKING PROCESS

On February 20, 1998, Debra A Graham from Legislative Rule-Making Review Committee sent a memo concerning the filing deadline for Legislative rules. The deadline is August 3, 1998.

This deadline does not mean that the agency can wait until August 3, 1998 to start the process of filing the agency's rules, but means the date that **AGENCY APPROVED** rules must be filed.

The agency must file the proposed Legislative rules with the Secretary of State's office for either **PUBLIC HEARING AND/OR COMMENT PERIOD** at least 30 days prior to this date. The agency should allow sufficient time to respond properly to all comments received and to make necessary changes to the proposed rules, which means the agency should allow more than 30 days before the August 3rd deadline.

Remember, it is to the agency's advantage to get started with the proposed Legislative rule as soon as possible. The earlier the Legislative Rule-Making Review Committee receives the proposed rules, the quicker the agency should have the proposed rules reviewed.

A step-procedure for Legislative rule-making, including forms needed for filing the proposed rules are available from the Secretary of State's office. If the agency needs a copy or has any questions, please do not hesitate to call the Administrative Law Division of the Secretary of State's office.

This is a courtesy reminder. It would be appreciated if a copy of this memo is circulated to all proper divisions or offices subject to filing proposed rules. Thank you.

**TITLE 153
LEGISLATIVE RULES
SECRETARY OF STATE**

**SERIES 6
STANDARD SIZE AND FORMAT FOR RULES AND PROCEDURES FOR
PUBLICATION
OF THE STATE REGISTER OR PARTS OF THE STATE REGISTER**

§153-6-1. General.

1.1. Scope. -- This legislative rule establishes the standard size and format for legislative, procedural and interpretive rules and related documents filed in the Secretary of State's office and procedures for publication of documents from the State Register.

1.2. Authority. -- W. Va. Code §§29A-2-6(c) and 29A-2-7(I).

1.3. Filing Date. -- March 26, 1996.

1.4. Effective Date. -- June 7, 1996.

§153-6-2. Definitions.

2.1. Agency Approved. -- Every rule proposed by an agency and which has completed the public hearing or public comment period, approved by the agency and submitted for Legislative review.

2.2. Emergency. -- Any legislative rule filed by an agency finding that the rule must be effective before completing the full Legislative cycle, promulgated in accordance with W. Va. Code §29A-3-15, and promulgation is necessary for the immediate preservation of the public peace, health, safety or welfare is necessary to comply with a time limitation, established by W. Va. Code or by a federal statute or regulation or to prevent substantial harm to the public interest.

2.3. Interpretive. -- Every rule, adopted by an agency independently of any delegation of legislative power which is intended by the agency to provide information or guidance to the public regarding the agency's interpretations, policy or opinions upon the law enforced or administered by

it, and which is not intended by the agency to be determinative of any issue affecting private rights, privileges or interests.

2.4. Legislative. -- Every rule, proposed or promulgated by an agency pursuant to W. Va. Code §29A-3 et seq., which, when promulgated after or pursuant to authorization of the legislature, has (1) the force of law, (2) supplies a basis for the imposition of civil or criminal liability, or (3) grants or denies a specific benefit. Every rule, which, when effective, is determinative on any issue affecting private rights, privileges or interests is a legislative rule. Unless lawfully promulgated as an emergency rule, a legislative rule is only a proposal by the agency and has no legal force or effect until promulgated by specific authorization of the legislature.

2.5. Legislative Exempt. -- Any rule filed that has been given a specific exemption from following the procedures for rulemaking found in W. Va. Code §29A-1-3. or in other sections of the W. Va. Code. Examples of such exemptions are: Board of Probation and Parole, Public Service Commission, Board of Public Works, or Secondary Schools Activities Commission. Also exempt are rules relating to or contested cases involving the conduct of inmates or other persons admitted to public institutions, open seasons and the bag, creel, size, age, weight and sex limits with respect to the wildlife in this state, the conduct of persons in military service or the receipt of public assistance.

2.6. Modified. -- Every rule that has been changed to incorporate suggested changes from the Legislative Rule Making Review Committee (LRMRC) with agreement of the agency.

2.7. Procedural. -- Every rule which fixes rules of procedure, practice or evidence for dealings

with or proceedings before an agency, including forms prescribed by the agency.

§153-6-3. Standard Size Of Rules And Related Documents.

3.1. All rules and related documents shall be typed on white 8 ½ inch by 11 inch paper, single spaced and either on one (1) side or double sided, but not a combination of both, unless specifically exempted by this rule.

3.2. All rules shall have at least ½ inch on the left, right, top and bottom margins surrounding the text unless specifically exempted by this rule.

§153-6-4. Forms and Other Documents.

The following forms are to be included when an agency files a rule with the Secretary of State, unless specifically exempted by another section of this rule. (All forms are at the end of this rule.)

4.1. When an agency files a legislative, procedural or interpretive rule for public hearing or public comment period, the following documents must be included:

4.1.a. Form 1 -- Notice of public hearing on a proposed rule. This form is used if the agency wants to hold a public hearing or if the agency wants to hold a public hearing and comment period.

4.1.b. Form 2 -- Notice of comment period on a proposed rule. This form may be used if the agency wants only to have a public comment period.

4.1.c. Brief summary of the rule;

4.1.d. Statement of circumstances which require the proposed rule;

4.1.e. Appendix B -- Fiscal note and

4.1.f. The signature of the cabinet secretary or department head of those agencies not covered by a cabinet secretary on the notice of public hearing or comment period or a letter authorizing filing of the rule.

4.2. When an agency files a legislative rule as an agency approved rule, the following documents must be included:

4.2.a. Form 3 -- Notice of agency approval of proposed rule and filing with the LRMRC;

4.2.b. Brief summary of the rule;

4.2.c. Statement of circumstances which require the proposed rule;

4.2.d. Appendix B -- Fiscal note;

4.2.e. LRMRC questionnaire signed and with contact person's name, address and telephone number clearly typed or printed;

4.2.f. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency approval or a letter authorizing filing of the rule.

4.2.g. The entire rule;

4.2.h. Transcript of hearing, if applicable, and a copy of all written comments and

4.2.i. Response to the comments.

4.3. When an agency files a modified rule following review by LRMRC, the following documents must be included:

4.3.a. Form 4 -- Notice of modification of a proposed rule;

4.3.b. Either the signature of the cabinet secretary or department head (of those agencies not covered by a cabinet secretary) on the notice of rule modification or a letter authorizing filing of the rule and

4.3.c. The rule as approved by LRMRC.

4.4. When an agency files a agency adoption of a procedural or interpretive rule, the following documents must be included:

4.4.a. Form 5 -- Notice of agency adoption

of a procedural or interpretive rule or a legislative rule exempt from legislative review;

4.4.b. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule;

4.4.c. If changes were made because of the comments received, the entire rule;

4.4.d. Transcript of hearing, if applicable, and a copy of all written comments;

4.4.e. Response to the comments, and

4.4.f. Electronic filing of the rule. (See section 14 of this rule.)

4.5. When an agency files a legislative exempt rule, the following documents must be included:

4.5.a. Form 5 -- Notice of agency adoption of a procedural or interpretive rule or a legislative rule exempt from legislative review;

4.5.b. Brief summary of the rule;

4.5.c. Statement of circumstances which required the proposed rule;

4.5.d. Appendix B -- Fiscal note;

4.5.e. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule and

4.5.f. Electronic filing of the rule. (See section 14 of this rule.)

4.6. When an agency final files a legislative rule following approval by the Legislature, the following documents must be included:

4.6.a. Form 6 -- Notice of final filing and adoption of a legislative rule authorized by the West Virginia Legislature;

4.6.b. Promulgation history;

4.6.c. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule and

4.6.d. Electronic filing of the rule. (See section 14 of this rule.)

4.7. When an agency files a rule as an emergency rule or an emergency amendment, the following documents must be included:

4.7.a. Form 7 -- Notice of an emergency rule, or

4.7.b. Form 8 -- Notice of an emergency amendment to an emergency rule;

4.7.c. Brief summary of the rule;

4.7.d. Specific statement of circumstances which require the rule to be filed as an emergency;

4.7.e. Appendix B -- Fiscal note;

4.7.f. LRMRC questionnaire signed by the contact person with their name, address and telephone number clearly typed or printed and

4.7.g. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of emergency rule or emergency amendment or a letter authorizing filing of the rule.

§153-6-5. Numbering And Indentation.

5.1. All agencies shall have a title number assigned by the Secretary of State.

5.2. All rules of an agency shall have a series number assigned by the Secretary of State.

5.3. Text breakdowns shall be found in Table 153-6A at the end of this rule. All new series rules and repealed and replaced rules shall follow this breakdown. When filing amendments to existing series, the agency shall retype the entire series and utilize this breakdown.

5.4. Section headings shall contain the title number, series number, section number and name of the section. (Example: §153-6-4. Numbering and indentation.)

5.5. Subsections shall contain the section number and subsection number. (Example 4.5 or 4.6 etc.)

5.6. Breakdowns below the subsection level shall contain only the number or letter for the appropriate level as required by subsection 4.3 of this rule.

5.7. Each breakdown shall be indented from the preceding level on the first line, but shall be carried back to the left margin for the second and succeeding lines of text.

§153-6-6. Underlining, Strike-Throughs And Capitalization.

6.1. There shall be no underlining of text except to indicate new language to be added to an existing series.

6.2. Underlining shall indicate language to be added to a rule.

6.3. Strike-throughs shall indicate language to be deleted from a rule.

6.4. There shall be no capitalization except for proper names, the first word in a sentence or abbreviations which are routinely capitalized. When there is a doubt, words should not be capitalized. Do not capitalize for emphasis.

§153-6-7. Repeal And Replacement.

7.1. When an agency is proposing major changes to an existing rule involving the majority of sections, the agency may wish to repeal the existing rule in its entirety and replace the rule as a new rule. In this case the agency shall file the proposed rule without underlining and strike-throughs, if the agency includes in the general section a repealer clause.

7.2. The repealer clause shall be in the general section. It shall state that the prior rule is to be repealed and replaced. It shall state the rule to be repealed by its citation, name, filing date and effective date.

7.2.a. Example: -- 1.5. Repeal of former rule. -- This legislative rule repeals and replaces WV 153CSR6 "Standard Size and Format for Rules and Related Documents Filed in the Secretary of State's Office" filed April 1, 1988 and effective April 1, 1988.

7.3. If the agency does not include a repealer cause, then the agency shall include underlining and strike-throughs to indicate language changes.

7.4. The procedure and format for filing a repealed and replaced rule shall be the same as those for a new series rule as required under section 9 of this rule.

§153-6-8. Incorporation By Reference.

8.1. Documents incorporated by reference shall be filed at the time the proposed rule is filed.

8.2. When incorporating by reference, the document shall be identified its proper title, proper citation, date and any other information needed to clearly identify the document to be incorporated.

8.3. It is not necessary to file the following documents when they are incorporated by reference:

8.3.a. West Virginia Code; and

8.3.b. West Virginia Code of State Rules

§153-6-9. Filing Proposed Amendments To An Existing Series.

9.1. Filing for public hearing or comment period.

9.1.a. The agency shall file with the Secretary of State the entire existing rule series regardless of the amount of proposed changes. The notice for public hearing or comment period must be attached.

9.1.b. All language to be deleted shall be stricken through, but clearly legible. All the language to be added shall be underlined.

9.1.c. Amendments shall not change the series number of the existing rule unless the change has been approved by the Secretary of State.

9.2. Filing of agency approved legislative rules following a public hearing or comment period.

9.2.a. An agency must file an agency approved rule with both the Secretary of State and LRMRC within ninety (90) days following public hearing or comment period.

9.2.b. If no change has been made to the rule filed for a public hearing or comment period, the agency shall file with the Secretary of State the notice of agency approval, a copy of the entire proposed rule with changes underlined and struck-through, a copy of all comments received and a response to all of the comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with the LRMRC.

9.2.c. If changes have been made, the agency shall file with the Secretary of State the notice of agency approval, include the changes and refile the entire proposed series with changes underlined and struck-through, as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, and a brief response to all comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with LRMRC.

9.3. Filing legislative exempt, procedural and interpretive agency adopted rules following public hearing or comment period.

9.3.a. For those procedural or interpretive rules filed as agency adopted rules when no change has been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State a notice of agency adoption, a promulgation history, a copy of all comments, and

a response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to the comments is sufficient.

9.3.b. If changes have been made, the agency shall file with the Secretary of State a notice of agency adoption, include the changes and refile the entire proposed changes with underlining and strike-throughs as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, as well as a brief response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to such comments will suffice.

9.3.c. For those agencies or rules exempt from the Administrative Procedures Act (§29A-1-3) and whose filing with the Secretary of State of an agency adopted rule represents the first and only filing of changes to an existing series, the agency shall include all necessary underlining and strike-throughs to indicate language to be deleted and language to be added. The agency shall also file the rule electronically. (See section 14 of this rule.)

9.4. Filing of modifications to legislative rules due to LRMRC objections.

9.4.a. The agency shall refile with the Secretary of State and LRMRC the entire series rule with the modifications included.

9.4.b. This filing shall be within ten (10) days of the date of the LRMRC meeting of which the modifications were approved.

9.5. Final filing of legislative rules authorized by the legislature.

9.5.a. The agency shall file the notice of agency adoption, a promulgation history and also file the rule electronically. (See section 14 of this rule.) The Secretary of State shall produce the final rule from the last filing, with underlinings and strike-throughs, and any legislative amendments within the enrolled bill of authorization.

9.5.b. The final rule as produced by the Secretary of State shall be sent to the agency for review and proofing. The agency has to ten (10) working days to review the final rule and return any corrections or a statement confirming the accuracy of the final rule.

9.5.c. Following confirmation or corrections, as the case may be, the Secretary of State shall final file the proposed rule and include it in the official West Virginia Code of State Rules.

9.5.d. The official rule is the rule authorized by the Legislature, produced by the Secretary of State, confirmed by the agency and filed in the West Virginia Code of State Rules.

§153-6-10. Filing Of A Proposed New Series Rule.

10.1. This section applies to an agency proposing an entirely new series rule which is not an amendment to an existing rule and which requires the assignment of a new series number.

10.2. The proposed new series rule shall be designated as either a "legislative rule", "procedural rule" or "interpretive rule".

10.3. All proposed new series shall contain a section one "General" which shall include the following subsections -- 1.1. Scope, 1.2. Authority, 1.3. Filing Date, and 1.4. Effective date. During the time the rule is proposed, the filing date and effective date shall be blank.

10.4. Filing for public hearing or comment period.

10.4.a. The agency shall file with the Secretary of State the entire proposed new series rule. There will, of course, be no strike-throughs or underlining. The notice for public hearing or comment period must be attached.

10.5. Filing of an agency approved legislative rule following public hearing or comment period.

10.5.a. An agency must file with the Secretary of State and with LRMRC an agency

approved rule within ninety (90) days following public hearing or comment period.

10.5.b. If no changes have been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State the notice of agency approval, a copy of the entire proposed rule with changes, a copy of all comments received and a response to all of the comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire series with all attachments shall be filed with the LRMRC.

10.5.c. If changes have been made to the rule, the agency shall file with the Secretary of State the notice of agency approval, and refile the entire proposed series with changes included, but without underlines and strike-throughs. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received and a brief response to all comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with LRMRC.

10.6. Filing legislative exempt, procedural and interpretive agency adopted rules following public hearing or comment period.

10.6.a. For those procedural or interpretive rules filed as agency adopted rules when no change has been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State a notice of agency adoption, a promulgation history, a copy of all comments, and a response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to the comments is sufficient.

10.6.b. If changes have been made, the agency shall file with the Secretary of State a notice of agency adoption and refile the entire proposed rule without underlining and strike-throughs as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, as well as a brief response to all comments and a copy of the rule electronically. (See section 14 of

this rule.) When several comments are of a similar nature, one response to such comments will suffice.

10.6.c. For those agencies or rules exempt from Administrative Procedures Act (§29A-1-3), and whose filing of an agency adopted rule represents the first and only filing, the agency shall file with the Secretary of State the entire series, without underlining and strike-throughs and a copy of the rule electronically. (See section 14 of this rule.)

10.7. Filing of modification to legislative rules due to LRMRC objections.

10.7.a. The agency shall refile the entire series rule with the Secretary of State and with LRMRC with the modifications included.

10.7.b. This filing shall be within ten (10) days of the date of the LRMRC meeting at which the modifications were approved.

10.8. Final filing of legislative rules authorized by the Legislature.

10.8.a. The agency shall file with the Secretary of State the notice of agency adoption, a promulgation history and a copy of the rule electronically. (See section 14 of this rule.) The Secretary of State shall produce the final rule from the last filing, with underlining and strike-throughs, and any legislative amendments within the enrolled bill of authorization.

10.8.b.. The final rule as produced by the Secretary of State shall be sent to the agency for review and proofing. The agency has up to ten (10) working days to review the final rule and return any corrections or a statement of confirmation.

10.8.c. Following confirmation or corrections, as the case may be, the Secretary of State shall final file the proposed rule and include it in the official West Virginia Code of State Rules.

10.8.d. The official rule shall be the rule authorized by the legislature, produced by the Secretary of State, confirmed by the agency and filed in the West Virginia Code of State Rules.

§153-6-11. Filing Of Emergency Rules.

11.1. Filing amendments to an existing series as an emergency rule.

11.1.a. The agency shall utilize strike-throughs and underlining to indicate amendments.

11.1.b. The agency shall attach the proper notice.

11.2. Filing a new series rule as an emergency rule.

11.2.a. The agency shall file the entire rule with proper notice.

11.3. Filing of amendments to an emergency rule.

11.3.a. When amending an emergency rule which was initially filed as amendments to an existing series as in subsection 11.1, the agency shall include the new amendments and refile the entire proposal with underlining and strike-throughs, as if the previous filing had not occurred. This will not result in any added time to the lifespan of the initially filed emergency rule.

11.3.b. When amending an emergency rule which was initially filed as a new series rule, the agency shall include the amendments with underlining and strike-throughs and refile the entire proposal, as if the previous filing had not occurred. This will not result in any additional time to the lifespan of the initially filed emergency rule.

§153-6-12. Tables, Charts, Diagrams, Etc.

12.1. When an agency needs to include charts, tables, diagrams or other information which is not in a typical narrative format, the agency shall refer to the table, chart, diagram, etc. within the text at the location the table, chart, diagram, etc. is to be located, but the actual table, chart, diagram, etc. will be attached to the back of the proposal. An example of this can be found in this rule in subsection 4.4.

12.2. Tables, charts, diagrams, etc. shall be named as "Table". "Chart", "Diagram", etc. fol-

lowed by the title number and series number of the rule in which they are located and a letter beginning with "A" for the first table, chart, diagram, etc.; "B" for the second table, chart, diagram, etc. and so on.

12.3. Exceptions may be made by the Secretary of State for tables, charts, diagrams, etc. which can be reproduced and fit into the double column format.

§153-6-13. Effective Dates.

13.1. The effective date of the series found in the general section shall be the date the rule was initially adopted or the date of the last change to the series, whichever is latest.

13.1.1. The effective date of the general section shall remain unless the rule is repealed and replaced utilizing a repealer clause. In that case, the effective date in the general section shall be the date the replacement rule becomes effective.

13.1.2. Effective dates for amendments to sections of an existing rule shall be noted in parenthesis at the section heading of the section amended. This will allow the user to historically follow amendments to sections.

§153-6-14. Electronic Filing.

14.1. An agency must file the rule in an electronic format, following all formatting rules of the Secretary of State unless given specific written exemption from the Secretary of State.

14.1.a. If an agency subscribes to the Legislative Computer System (Edgar), the rule may be electronically transferred.

14.1.b. If an agency does not subscribe to Edgar, the rule must be filed on a high density diskette in a WordPerfect or WordPerfect compatible format.

14.1.b.1. The electronic copy must have all underlinings and stricken-through language removed.

14.1.b.2. The electronic copy must not have any headers or footers either set up through the format or typed on individual pages.

14.2. If an agency does not comply with the formatting as specified by the Secretary of State, the electronic version will be refused and sent back for correction to the agency.

§153-6-15. Publication Of Materials From The State Register.

15.1. The State Register shall be established and maintained by the Administrative Law Division of the Secretary of State.

15.2. The State Register shall consist of the following parts:

15.2.a. The West Virginia Code of State Rules;

15.2.b. The West Virginia Register;

15.2.c. The Open Meeting File;

15.2.d. The Orders File;

15.2.e. Other Agency Action File; and

15.2.f. The Obsolete File

15.3. The West Virginia Code of State Rules (WVCSR).

15.3.a. The WVCSR is the official compilation of state agency rules currently in effect, excluding emergency rules.

15.3.b. The Secretary of State shall supplement the WVCSR monthly with any changes to the current rules filed during the previous month. The full text of the particular series, whether new or amended, shall be sent to subscribers of the WVCSR. Emergency rules shall be cited as being filed, but the text of emergency rules shall not be a part of the monthly supplement.

15.3.c. The Secretary of State may contract for publication and maintenance of the WVCSR, or

parts thereof, but the Secretary of State is responsible for the codification and validity of all state agency regulations filed by state agencies for inclusion in the WVCSR.

15.3.d. The Secretary of State may offer parts of the WVCSR with a supplement service.

15.3.e. The WVCSR shall be a looseleaf publication available at a cost established by the Secretary of State to defray the expense of publication and supplements.

15.3.f. Parts of the WVCSR may be available through duplication or other means at a cost to defray the expense to the Secretary of State.

15.4. The West Virginia Register (WVR).

15.4.a. The WVR is a weekly publication of notices and other announcements filed with the Secretary of State relating to rule-making, open meetings, orders and other actions by state agencies.

15.4.b. The WVR shall be distributed by annual subscription at a cost established by the Secretary of State to defray the expense of production and delivery.

15.5. The Open Meetings File.

15.5.a. The Open Meetings File consists of notices filed by agencies with the Secretary of State for open governmental proceedings under W. Va. Code, §6-9A-3.

15.5.b. Notices which are filed and found to be in violation of the notice requirements of W. Va. Code, §6-9A-3 shall be published, but shall indicate noncompliance. A copy of this finding and the reasons for noncompliance shall be sent to the agency affected.

15.6. The Orders File.

15.6.a. The Orders File consists of Orders issued by state agencies following contested case hearings and required to be filed with the Secretary of State pursuant to W. Va. Code, §29A-9-2.

15.7. Other Agency Action File.

15.7.a. The Other Agency Action File consists of all other information required to be filed with the Secretary of State by statute, rule or agency directive or practice. Notice of the filings shall be included in the WVR.

15.8. Obsolete File.

15.8.a. The Obsolete File shall consist of obsolete rules of state agencies. The Secretary of State is responsible for certifying the time period during which obsolete rules were in effect.

153CSR6

**TABLE 153-6 A
TEXT BREAKDOWN**

153 CSR	TITLE
153 CSR 6	SERIES
153 CSR 6-1.	SECTION
153 CSR 6-1.1.	SUBSECTION
153 CSR 6-1.1.a.	SUBDIVISION
153 CSR 6-1.1.a.1.	PARAGRAPH
153 CSR 6-1.1.a.1.A.	SUBPARAGRAPH
153 CSR 6-1.1.a.1.A.1.	PART
153 CSR 6-1.1.a.1.A.1.(a)	SUBPART
153 CSR 6-1.1.a.1.A.1.(a)(1)	ITEM
153 CSR 6-1.1.a.1.A.1.(a)(1)(A)	SUBITEM

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency _____

Address _____

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

3. Objectives of these rules: