


SUNSET PROVISION

Extension Procedure



IMPORTANT DATES

- 18 Months Prior to Rule Sunset Date
 - 60 Days from Receipt of Sunset Notification
 - Rule Filing Deadline Dates
- 
- A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

Sunset Provision, W. Va. Code §29A-3-19

INCLUDES:

- The Secretary of State shall provide notice to the promulgating agency and LRMRC at least 18 months prior to the Legislative rule's termination date.
- The promulgating agency has 60 days from receipt of the notice to file the rule with the Secretary of State and LRMRC/LOCEA affirmatively seeking renewal.
- LRMRC/LOCEA may establish a procedure for timely review of the rule for agencies that have sought renewal prior to expiration.
- For rules seeking an extension of the sunset date only, no other changes or amendments can be accepted.
- Rule filings made solely for this purpose are not subject to the public comment period requirement.



NOTICE OF RULE SUNSET DATE

This notice is provided pursuant to W. Va. Code §29A-3-19(e).

Your agency's rule, title and series number, is set to expire in 18 months on date. According to W. Va. Code §29A-3-19(e), an agency has 60 days from receipt of this notice to formally file its intention to extend the rule's sunset date and, if affirmatively seeking renewal, a copy of the proposed renewed rule with the Secretary of State and the Legislative Rule-Making Review Committee (LRMRC).

The request for an extension of the sunset date allows for **only** the sunset date of the rule to be changed (along with the filing and effective dates). No other amendments or changes will be accepted. If any amendments or a repeal of the rule are desired, the agency must go through the full rule-making process set forth in W. Va. Code §29A-3-1, *et seq.*

To satisfy your agency's duty under W. Va. Code § 29A-3-19, even if you are not requesting a sunset date extension, please log in to the Secretary of State eRules system and find the appropriate rule (listed above) in the "Your Agencies Sunsetting Rules" table. Go to the "Sunset Extension Request" field, complete and submit the form as instructed.

If your agency is requesting an extension of the sunset date without any amendments, you must

1. Request a New Rule Version in the eRules system;
2. Upload the full text of the rule to the **Agency Approved** field with the 1.3. Filing date, 1.4. Effective date, and 1.5. Sunset date fields stricken-through;
3. Add the following language to section 1.5: "This rule shall terminate and have no further force or effect upon the expiration of *(the requested number)* years from its effective date,";
4. Attach the appropriate form(s); and
5. Submit the new rule for consideration by LRMRC.

This process will initiate the rule review. LRMRC is notified through the eRules system that the filing has been made, and your agency will be contacted if additional information is needed.

Again, if other amendments or a repeal of the rule are planned, you must go through the full rule-making process including the notice of public comment period.

If you have any questions or need further assistance, please contact the Administrative Law Division at (304) 558-6000.


18 MONTHS PRIOR TO THE SUNSET DATE

The Secretary of State will send an email to those with permissions in the Erules system for the sunsetting rule.

The email will notify the agency of the upcoming sunset date and provide instructions.

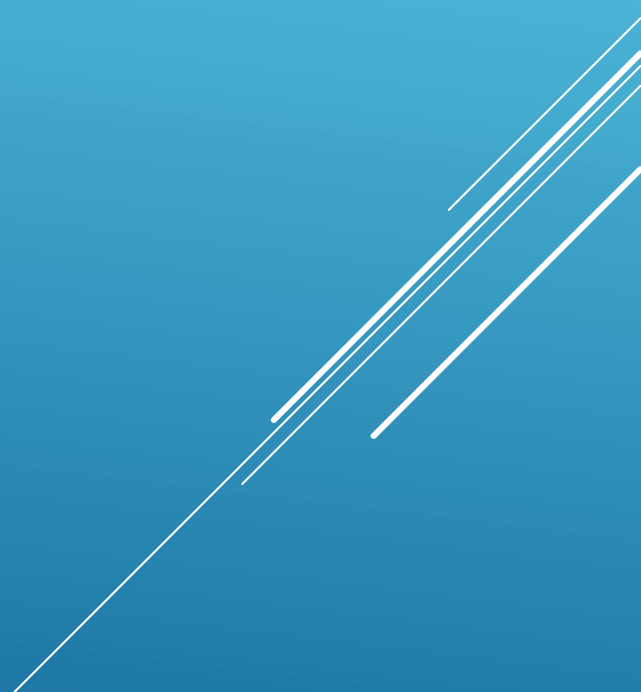
INSTRUCTIONS

To ensure all requirements are met, the instructions provided on the email notification can be broken down into two (2) procedures:

1. File a sunset extension request.
 2. File an Agency Approved rule.
- 
- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, located in the lower right quadrant of the slide.

STEP 1

File the Sunset Extension Request



West Virginia Secretary of State
Mac Warner

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User Tool Bar | Logout | Account Settings

ERules

Home — Welcome
Maureen B Lewis
Your last login was Friday, October 9, 2020 - 3:33 PM.

⚠ Don't forget that all Legislative rules that are not otherwise exempt must have approval from the Governor's office prior to setting up a new rule.

Welcome to the Code Of State Rules eRules web application. You can file your rule documents electronically, and collaboratively, using this application.

Your Agencies (In-Progress Rules)				
Name	Edit/Upload/View	Public	Request	Edit
Secretary Of State Charleston	Edit Rules For Submission To SOS Upload New Rule Document View Rules In Progress At SOS	<input checked="" type="checkbox"/> Online Rules		
SOS Test Agency Sloan Hill	Edit Rules For Submission To SOS Upload New Rule Document View Rules In Progress At SOS	<input checked="" type="checkbox"/> Online Rules		

Your Sunsetting Rules					
Title-Series	Agency / Rule Name	Type	Active	Activity	Edit / Upload / View
876-12	Sunseting Rule	Legislative	Active	6 - 16705	Edit/ Upload/ View

Your Effective Rules					
Title-Series	Agency / Rule Name	Type	Active	Activity	Edit / Upload / View
876-02	Test Legislative	Legislative	In Progress	Notice - File Unloaded	Edit/ Upload/ View

LOG IN TO ERULES

A new table has been added,
“Your Sunsetting Rules”

Access the rule from this table to
file the Sunset Extension
Request.

https://apps.sos.wv.gov/adlaw/enrules/upload.aspx?aid=68&rid=16705

WV SOS - Administrative La... X

You are viewing this page over a secure connection. Click here for more information.

Date Filed/Status	Other Dates	Description	Agency In Progress Files	SOS Accepted Files
		Action		
		Adopted By Reference		
		Agency Approved		
		Comments Received		
2/5/2018		Emergency		PDF Word
		Emergency Amendment - Second	Upload File	
2/6/2018		Emergency Amendment		PDF Word
		Emergency Amendment Action		
		Emergency Withdrawn		
		Expired		
		Extended Notice		
		Final File		
		Hearing		
		LOCEA		
		LRMRC		
		Modified File		
		Notice - Second	Upload File	
2/7/2018		Notice		PDF Word
		Other		
		Repealed		
2/21/2020		Sunset Extension Request		PDF
		Supporting Documents		
		Suspension Memorandum		
3/12/2018		Technical Amendment		PDF Word
		Withdrawn		
		Withdrawn Agency Approved		
		Withdrawn Comment Period		
		Withdrawn Modified		
		Withdrawn Repealed		

“Sunset Extension Request” has been added to the documents list. Click on the PDF in that field to open the form.



NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: _____ TITLE-SERIES: _____
 RULE TYPE: _____ CITE STATUTORY AUTHORITY: _____
 RULE NAME: _____
 PLEASE SELECT A SUNSET PROVISION OPTION:
 EXTEND THE SUNSET DATE OF THE RULE.
 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).
 LET THIS RULE EXPIRE.
 PLEASE INDICATE IF THIS RULE INCLUDES:
 RELEVANT FEDERAL STATUTES OR REGULATIONS INCORPORATED BY REFERENCE
 PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

SUNSET PROVISION EXTENSION REQUEST FORM

Once completed, it gets submitted like a rule, first to Agency Head then to SOS

West Virginia Secretary of State
Mac Warner

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Code Of State Rules Search

Rule Detail And Documents

Back to search

Rule						
Agency	Title Series	Files	Name	Type	Authority	
Natural Resources	58-35	3/28/2019	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs	Legislative Active	§§20-3-3a(e) and 20-7-9	

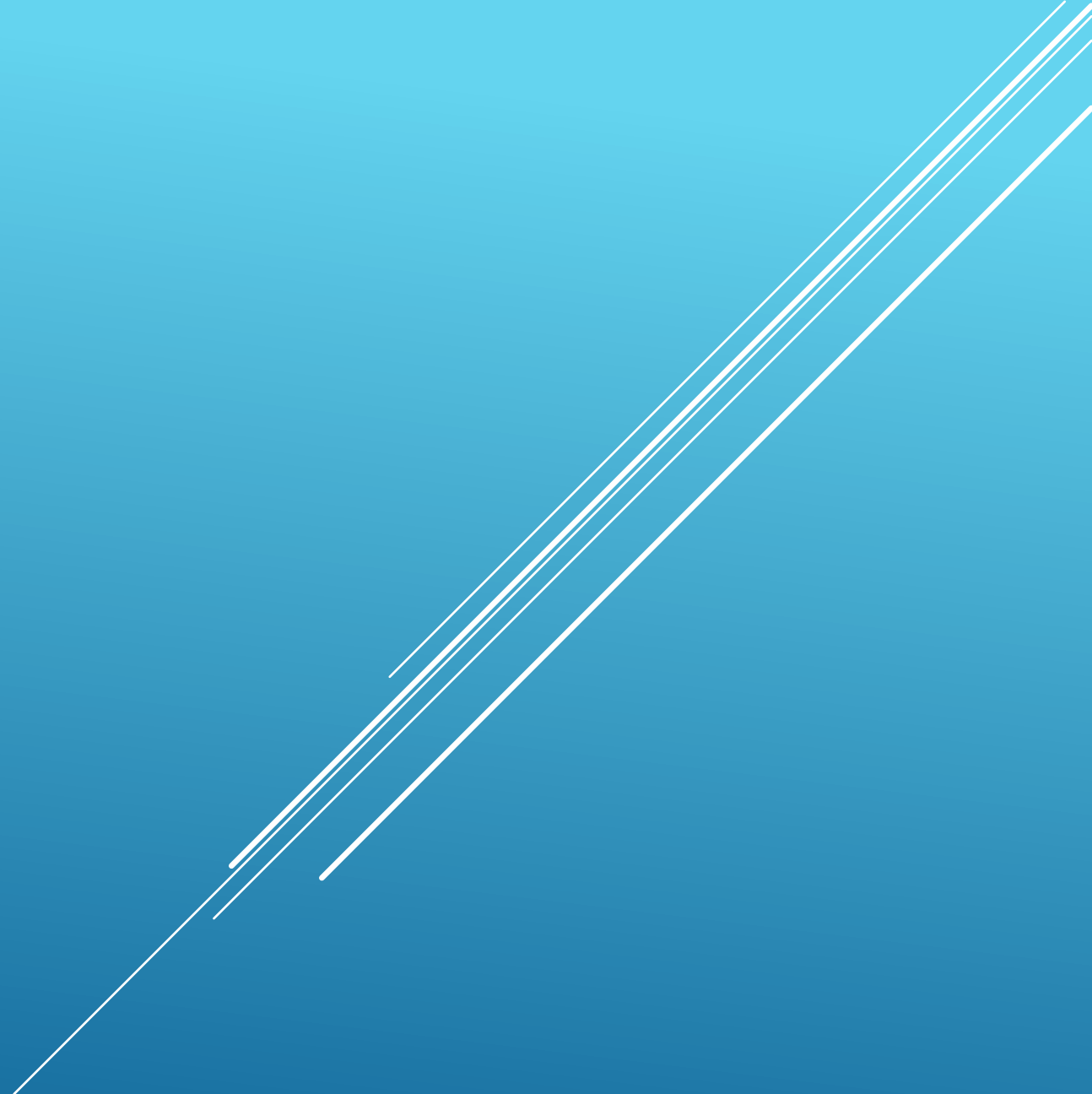
Documents					
Date Filed	Status	Other Dates	Description	Files	
2/27/2020			Sunset Extension Request	PDF	
3/27/2019		Date Effective: 3/28/2019	Final File	PDF Word	
10/1/2018			Modified File	PDF Word	
9/20/2018	Valid		LRMRC	PDF	
7/27/2018			Comments Received	PDF	
7/27/2018			Agency Approved	PDF Word	
6/26/2018			Supporting Documents	PDF Word	
6/26/2018			Notice	PDF Word	
6/26/2018		Date Effective: 8/7/2018	Emergency	PDF Word	

Once accepted, the Sunset Extension Request is viewable online with the “Active” rule in the Code of State Rules database.

LRMRC is notified through the Erules system that the request has been filed.

STEP 2

File the Agency Approved Rule



The Agency Approved filing must be done within 60 days of receiving the notification from the Secretary of State.

The Agency Will:

- Log in to eRules and request a new rule version for the rule.
- The new version file will be found in the “Your Agencies In-Progress Rules” table.
- Upload full text of the rule to the Agency Approved field.
- LRMRC will be notified and will access the rule through the eRules system.

153CSR876

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 876
SUNSETTING RULES EXAMPLE

§153-876-1. General.

1.1. Scope. -- This is a brief explanation of the rule sunset procedures.

1.2. Authority. -- W. Va. Code §29A-3-19.

1.3. Filing Date. -- October 11, 2015.

1.4. Effective Date. -- October 11, 2015.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon October 11, 2020. the expiration of 5 years from its effective date.

§153-876-2. Description of the beginning of a rule.

2.1. Everything above the General section of the rule is referred to as the introduction.

2.2. If it is a new rule, the filing and effective dates in the General section of the rule will be left blank until the rule is final filed.

2.3. If it is an amendment to an existing rule, the filing and effective dates in the General section of the rule will be struck through until the rule is final filed.

2.4. There is specific language that must be used for the Sunset Provision in the General section of the rule.

2.4.1. For all filings prior to the final filing, the language used shall be: "This rule shall terminate and have no further force or effect upon the expiration of *(the number of)* years from its effective date."

2.4.1.a. For new rules, it shall be 5 years.

2.4.1.b. For an amendment to an existing rule, the number of years shall be determined by the agency and LRMRC.

2.4.2. Upon final filing the rule, the language shall be modified to: "This rule shall terminate and have no further force or effect upon *(the actual date will be given)*."

THE RULE

The only allowable changes are the filing date, effective date and sunset date.

The dates in 1.3, 1.4 and 1.5 will be struck-through and the new requested sunset date will be added to 1.5 and underlined.



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED

Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY:

TITLE-SERIES:

RULE TYPE:

Amendment to Existing Rule:

Repeal of existing rule:

RULE NAME:

PRIMARY CONTACT

NAME:

ADDRESS:

EMAIL:

PHONE NUMBER:

CITE STATUTORY AUTHORITY:

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY
OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY
PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)?

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN
EXTENSION OF THE SUNSET DATE?

DATE efiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO
COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND
TRANSCRIPTS)

THE FORM

The Agency Approved form has been amended to ask if the filing is for the sole purpose of the sunset provision.

It then asks you to certify that the only changes to the rule are the filing date, effective date and an extension of the sunset date.

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Code Of State Rules Search

Rule Detail And Documents

Rule					
Agency	Title Series	Files	Name	Type	Authority
Natural Resources	58-35		Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs	Legislative In Progress	§§20-3-3a(e) and 20-7-9

Documents					
Date Filed	Status	Other Dates	Description	Files	
9/25/2020	Valid		LRMRC	PDF	
2/26/2020			Agency Approved	PDF	Word

Link To Rule
<http://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=->

Link To Agency
<http://apps.sos.wv.gov/adlaw/csr/rule.aspx?agency=Natural>

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PUBLIC VIEW

The question added to the form will explain to a viewer why there was not a Public Comment Period for this rule.

The Active file will contain the Sunset Extension Request Form.

The In-Progress file will have the Agency Approved Form indicating the purpose of the filing.

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Code Of State Rules Search

Rule Detail And Documents

Rule						
Agency	Title Series	Files	Name	Type	Authority	
Natural Resources	58-36	3/28/2019	Cabwaying State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs	Legislative Active	§§20-3-3a(e) and 20-7-9	

Documents						
Date Filed	Status	Other Dates	Description	Files		
2/27/2020			Sunset Extension Request	PDF		
3/27/2019		Date Effective: 3/28/2019	Final File	PDF Word		
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9/25/2020	Valid		LRMRC	PDF		
2/26/2020			Agency Approved	PDF Word		

Link To Rule
<http://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=>

Link To Agency
<http://apps.sos.wv.gov/adaw/csr/rule.aspx?agency=Natural>

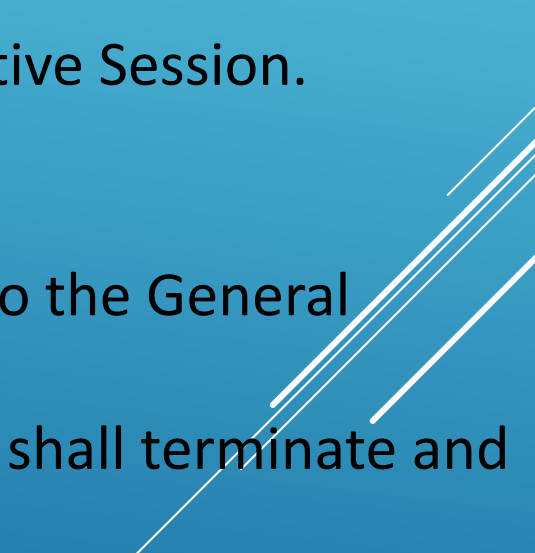
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PUBLIC VIEW COMPARISON

RULE-MAKING PROCESS

Completing the Cycle



1. Filing the Sunset Extension Request form and the Agency Approved Rule will initiate the process.
 2. The rule will be reviewed by LRMRC/LOCEA.
 - The agency will be contacted if additional information is needed.
 3. The rule will be placed in a bill and considered during the Legislative Session.
 4. Upon approval, the rule must be Final Filed.
 - The filing date, effective date and sunset date will be added to the General Section of the rule.
 - The language for the sunset provision, 1.5 must be “This rule shall terminate and have no further force or effect on *(the actual date)*.”
- 

THINGS TO REMEMBER

- ❖ If additional amendments are needed for the rule, you must go through the full rule-making process including the Public Comment Period.
- ❖ If you have questions or need assistance, please contact the Administrative Law Division in the Secretary of State's Office at (304) 558-6000 or AdLaw@wvsos.gov.
- ❖ These instructions are subject to change as statutory requirements change. We will do our best to keep you notified.

