



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

House Bill 4012, the Revised Uniform Law on Notarial Acts was passed from both houses on March 6, 2014 and signed by the Governor on March 28, 2014. The effective date for this law is July 1, 2014.

The bill in its original form made sweeping changes to the notary act: requiring an exam, a training course, a \$10,000 bond and a journal requirement. Due to the fact that the Secretary of State required substantial lead time for internal processes to be changed, the effective date of the bill was originally set for July 1, 2015. Many of these substantive changes were amended out of the enrolled bill in a House Sub-Committee and therefore the Committee changed the effective date to July 1, 2014.

In the original bill and remaining in the enrolled bill, the fee for notary application was removed from the statute in order to be set by legislative rule. With the new effective date of July 1, 2014, there is no time to allow for the legislative rule-making process without an emergency rule in place. Without the emergency rule in place on July 1, 2014, there will be no mechanism for receiving notary application fees, and the West Virginia Secretary of State will lose an estimated \$277,000 in revenue for Fiscal Year 2015.

The application fee has been and continues to be \$52. This rule does not include a fee increase, merely the continuation of the previous fee, now found in Legislative Rule instead of the West Virginia Secretary of

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Sheryl Webb -- 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.



Title-Series: 153-50



Rule Id: 9447



Document: 25798



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FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 2)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

States Statute for Fees.

Without an emergency rule allowing for the continued receipt of a \$52 dollar notary application fee, the West Virginia Secretary of States Office will no longer be able to provide a notary commission application service and the process of application, bonding and publishing a public database of currently licensed notaries will stop. The Office will no longer be able to process and commission new notaries, renewing notaries, and manage the existing 45,000 notaries currently licensed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 1)

AGENCY	Secretary Of State				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	153-
RULE NAME	Schedule of Fees				50

CITE AUTHORITY 39-4-25

DATE OF FILING
Tuesday, May 20, 2014

STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE
39-4-25

DATE OF FILING OF PROPOSED LEGISLATIVE RULE
Tuesday, May 20, 2014

DOES THE EMERGENCY RULE ADOPT NEW LANGUAGE OR DOES IT AMEND OR APPEAL A
CURRENT LEGISLATIVE RULE?

Yes

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND EXPIRED?

No

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE
EMERGENCY RULE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE,
HEALTH, SAFETY OR WELFARE.

See Below

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accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-50



Rule Id: 9447



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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 2)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

IF THE EMERGENCY RULE WAS PROMULGATED IN ORDER TO COMPLY WITH A TIME LIMIT ESTABLISHED BY THE CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN.

N/A

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE EMERGENCY RULE NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE PUBLIC INTEREST.

See Attached

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Sheryl Webb -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

If the rule is not approved the Secretary of State will have a negative revenue impact of \$209,487.00

Sheryl Webb -- 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.



Title-Series: 153-50



Rule Id: 9447



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	-209487	-209487	-209487

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Title-Series: 153-50



Rule Id: 9447



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The above estimates is based on the actual revenue received from January 1, 2013 to December 31, 2013. The fees charged for notaries are not changing and we expect the number of notaries in the state to stay approxamtaly the same

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Title-Series: 153-50



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-25

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

If the rule is not approved the Secretary of State's Office will not be able to collect notaries fees thereby causing the loss of revenue

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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Title-Series: 153-50



Rule Id: 9447



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Schedule of Fees 50

CITE AUTHORITY 39-4-25

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

HB 4012, the RULONA passed on March 6, 2014 and signed by the Governor on March 28, 2014. The effective date for this law is July 1, 2014. The bill in its original form made sweeping changes to the notary act; due to this the Secretary of State required substantial lead time for internal processes to be changed, the effective date of the bill was originally set for July 1, 2015. Many of these substantive changes were amended out of the enrolled bill in a House Sub-Committee and therefore the Committee changed the effective date to July 1, 2014. In enr bill, the fee for notary application was removed from the statute in order to be set by legislative rule. With the new effective date of July 1, 2014, there is no time to allow for the legislative rule-making process without an emergency rule in place. On July 1, 2014, there will be no mechanism for receiving notary application fees, and the WV Secretary of State will lose an more than \$200,000 in revenue for FY 2015. The application fee continues to be \$52, now found in Legislative Rule instead of the WV Secretary of States Statute for Fees. Without an emergency rule, the WV Secretary of States Office will no longer be able to provide a notary commission application service , bonding and publishing a public database of currently licensed notaries will stop. The Office will no longer be able to process and commission new notaries, renewing notaries, and manage the existing

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 2)

AGENCY	Secretary Of State				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	153-
RULE NAME	Schedule of Fees				50

CITE AUTHORITY 39-4-25

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

45,000 notaries currently licensed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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Title-Series: 153-50



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TITLE 153
LEGISLATIVE RULE
WEST VIRGINIA SECRETARY OF STATE

SERIES 50
SCHEDULE OF FEES

§153-50-1. General.

1.1. Scope. -- This schedule establishes the fee to be charged by the Secretary of State for an application for commission as a notary public.

1.2. Authority. -- W. Va. Code §§39-4-20 (a) and 39-4-25 (a) (7).

1.3. Filing Date. --

1.4. Effective Date. --

§153-50-2. Schedule of Fees.

2.1. Application Fee \$52.00

2.2. Fees shall be payable to the West Virginia Secretary of State by check, money order, major credit card, or certified check.