

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**  
JUN 30 3 28 PM '97  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153  
RULE TYPE: PROCEDURAL; CITE AUTHORITY W.VA. CODE 47-9A-1, 31-1-67  
AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 19

TITLE OF RULE BEING AMENDED: PROCEDURES FOR FILING FOR AUTHORIZATION  
TO DO BUSINESS BY VOLUNTARY ASSOCIATIONS AND BUSINESS TRUSTS

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:     
  

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 JULY 31, 1997 AT 12:00 p.m.  
ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING  
ADDRESS.

MARY RATLIFF  
SECRETARY OF STATE  
1900 KANAWHA BLVD. E.  
BLDG. 1, ROOM 157-K  
CHARLESTON, WV 25305

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

*Ken Hechler*  
by J.C. Caste, Deputy

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## APPENDIX B

### FISCAL NOTE FOR PROPOSED RULES

**Rule Title:** TITLE NUMBER 153      Series #19  
**Type of Rule:** Legislative    Interpretive    ☒ Procedural  
**Agency**                    Secretary of State  
**Address**                    1900 Kanawha Blvd.  
                                  Charleston, WV 25305

#### 1. Effect of Proposed Rule

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

#### 2. Explanation of above estimates:

#### 3. Objectives of these rules:

To amend existing rule relating to procedures for filing for authorization to do business by voluntary associations and business trusts.

Rule Title: 153

4. Explanation of Overall Economic Impact of Proposed Rule.

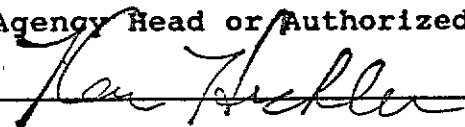
A. Economic Impact on State Government.

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

C. Economic Impact on Citizens/Public at Large.

Date: 6/30/97

Signature of Agency Head or Authorized Representative

  
By Wm. Harrington  
Chief of Staff.

Summary of Rule  
Title #153 Series 19

Secretary of State, Rule title #153, Series 19; amending existing rule relating to procedures for filing for authorization to do business by voluntary associations and business trusts.

FILED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE 153  
PROCEDURAL RULES  
SECRETARY OF STATE

SERIES 19  
PROCEDURES FOR FILING FOR AUTHORIZATION TO DO BUSINESS BY  
VOLUNTARY ASSOCIATIONS AND BUSINESS TRUSTS

**§153-19-1. General.**

1.1. Scope. -- This rule provides guidelines by which applications by business trusts and voluntary organizations to do business in West Virginia will be handled.

1.2. Authority. -- W. Va. Code §47-9A-1 et seq. and §31-1-67.

1.3. Filing Date. -- ~~January 12, 1989.~~

1.4. Effective Date. -- ~~February 13, 1989.~~

**§153-19-2. Definitions.**

2.1. Business Trust. A voluntary association established for the purposes of doing business of carrying out a business transaction pursuant to the terms and provisions of a declaration or trust or any other agreement of association.

2.2. Massachusetts Trust. Any business trust formed under the agreements commonly designated as a Massachusetts Trust.

2.3. Voluntary Organization. Any association formed for the purposes of doing business in West Virginia.

2.4. Any of these organizations which purchases, acquires, holds, disposes, encumbers or any other way holds real or personal property in the state must register with the Secretary of State and the county clerk of the county in which the property is located.

**§153-19-3. Filing Procedure.**

3.1. Any organization defined in §47-9A-1 of the code shall follow the following procedure:

3.1.1. The declaration of trust or articles of agreements shall be filed. This document shall include:

- a. name(s) of the parties involved
- b. address of organization
- c. a clause stating the purpose(s) of the organization

- d. a clause providing that all parties agree to abide by the laws of the State of West Virginia
- e. signature(s) and address(es) of the parties involved
- f. appropriate notarial acknowledgment of this signature
- g. person to whom notice of process is to be sent.

3.1.2. ~~A filing fee of ten dollars (\$10.00) must be included.~~ The filing fee established by W. Va. Code §59-1-2 must be paid to the secretary of state.