

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

Do Not Mark In This Box

FILED

2002 JUN 17 P 5:01

Form #2

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: LEGISLATIVE CITE AUTHORITY: §46A-6J-4

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

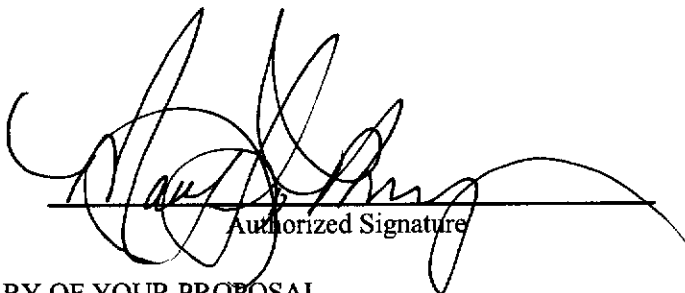
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 33

TITLE OF RULE BEING PROPOSED: REGISTRY FOR NOTIFICATION OF A STATE OF  
EMERGENCY

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 19, 2002 AT 10:00 A.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

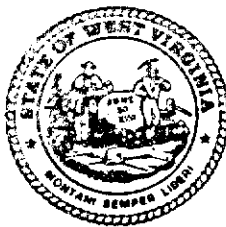
JUDY COOPER, TEAM LEADER  
SECRETARY OF STATE  
ADMINISTRATIVE LAW DIV  
BUILDING 1, SUITE 157K  
1900 KANAWHA BLVD E  
CHARLESTON WV 25305-0770

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**SCANNED**



Secretary of State's Office  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

*State of West Virginia*  
*Joe Manchin, III*  
*Secretary of State*

Telephone: (304) 558-6000  
Toll Free: 1-866-SOS-VOTE  
Corporations: (304) 558-8000  
FAX: (304) 558-0900  
[www.wvsos.com](http://www.wvsos.com)

**Brief Summary and Facts and Circumstances:**

The 2002 Legislature passed HB 4116 on March 8, 2002 which became effective June 6, 2002, requiring the Secretary of State to promulgate rules establishing a system to notify persons of a state of emergency, to protect consumers from price gouging and unfair pricing practices during and shortly after a declaration of a state of emergency.

■  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 153CSR33; Registry for Notification of a State of Emergency

Type of Rule:  Legislative     Interpretive     Procedural

Agency: Secretary of State    Phone: 558-6000

Address: Administrative Law Division, Ste 157K, 1900 Kanawha Blvd E, Charleston WV  
25305-0770

Judy Cooper    email: jcooper@wvsos.com

Jan Casto    email: jcasto@wvsos.com

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>			**\$1500.00	\$6238.98	\$6238.98
<b>PERSONAL SERVICES</b>			\$1000.00	\$5238.98	\$5238.98
<b>CURRENT EXPENSE</b>			\$500.00	\$1000.00	\$1000.00
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of Above Estimates: \*\*This reflects 40 days in the 2001-2002 FY (Current)

Fiscal Year	Next Year & Thereafter:
Expense \$1000.00 Developing computer program, applications etc.	Expense: \$1000.00 Applications, mailings, etc.
Personal Services \$2000.00 Employee for remainder of year, data entry	Personal Expense \$5238.94 -- 1/6 of Employee responding to minimal business

3. Objectives of These Rules:

This rule establishes a system by which businesses may register with the SOS's office to receive notification when a state of emergency has been declared within the State.

Rule Title: 153CSR33; Registry for Notification of a State of Emergency

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Staff, equipment & materials necessary to develop & maintain database & send appropriate notification to retail businesses registered on database.

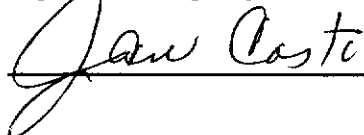
B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: This will impact those retail businesses that choose to be placed on list by one-time fee for registration & small fee upon change of information.

C. Economic Impact on Citizens/Public at Large.

None

Date: June 17, 2002

Signature of Agency Head or Authorized Representative:

  
\_\_\_\_\_

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: June 17, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Judy Cooper, Administrative Law Division, Secretary of State, Building 1, Suite 157K, 1900 Kanawha Blvd E, Charleston WV 25305-0770

jcooper@wvsos.com

LEGISLATIVE RULE TITLE: 153CSR33 Registry for Notification of a State of Emergency

1. Authorizing statute(s) citation §46A-6J-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 18, 2002

b. What other notice, including advertising, did you give of the hearing?  
\_\_\_\_\_  
\_\_\_\_\_

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 19, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

---

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Judy Cooper 558-6000, fax 558-0900, jcooper@wvsos.com

Jan Casto 558-6000, fax 558-0900 jcasto@wvsos.com

Terri Helmick 558-6000 fax 558-0900 thelmick@wvsos.com

---

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

---

---

---

---

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

---

---

---

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

FILED

**TITLE 153  
LEGISLATIVE RULE  
SECRETARY OF STATE**

2002 JUN 17 P 5:01  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**SERIES 33  
REGISTRY FOR NOTIFICATION OF A STATE OF EMERGENCY**

**§153-33-1. General.**

- 1.1. Scope. -- Establishing a system to notify persons of state emergencies and natural disasters.
- 1.2. Authority. -- W. Va. Code §46A-6J-4.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**§153-33-2. Applying to be Notified of State Declared Emergencies and Natural Disasters.**

- 2.1. The applicant shall complete the Application for Notification of State of Emergency.
  - 2.1.1. List the preferred county(ies) for notification;
  - 2.1.2. Check if notification of the entire state is required; and
  - 2.1.3. Check which form of notification is desired.
    - 2.1.3. U. S. mail;
    - 2.1.4. Fax; or
    - 2.1.5. Email

2.2. The applicant shall submit the application with a check payable to the West Virginia Secretary of State, Administrative Law Division, Building 1, Suite 157-K, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305-0770.

**§153-33-3. Fees.**

3.1. The applicant shall pay a one-time registration fee of \$25.00.

3.2. The applicant shall pay a charge of \$5.00 to change contact information.

**§153-33-4. Notification to Applicants.**

4.1. The Secretary of State shall notify within three (3) working days after the Governor of West Virginia has issued the Proclamation declaring a state of emergency to each applicant requesting the county or counties involved.

4.2. The Secretary of State shall mail or fax a photocopy of the Proclamation as issued by the Governor of West Virginia, if this is the preferred method requested by the applicant.

4.3. The Secretary of State shall email in Adobe Acrobat (.pdf) format a copy of the Proclamation as issued by the Governor of West Virginia, if this is the preferred method requested by the applicant.

**§153-33-5. Withdrawing From Notification.**

To withdraw from the notification program, the applicant shall submit a letter to the Secretary of State requesting information be removed from the notification list.

Joe Manchin, III  
Secretary of State  
State Capitol, W-139  
1900 Kanawha Blvd. East  
Charleston, WV 25305-0770  
wvsos@wvsos.com  
www.wvsos.com



Judy Cooper, Team Leader  
Administrative Law Division Division  
Tel: (304) 558-6000  
Toll Free Tel: 1-866-SOS-VOTE  
1-866-767-8683  
Fax: (304) 558-0900  
Hrs: 8:30 am - 5:00 pm ET

**APPLICATION FOR  
NOTIFICATION OF  
STATE OF EMERGENCY**

1. Name \_\_\_\_\_
2. Name of Corporation \_\_\_\_\_  
Trade Association \_\_\_\_\_  
Partnership \_\_\_\_\_
3. Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
City State Zip
4. Phone Number \_\_\_\_\_   
Fax Number \_\_\_\_\_   
Email Address \_\_\_\_\_
5. List county(ies) of interest \_\_\_\_\_  
\_\_\_\_\_  
Entire State
6. Signature \_\_\_\_\_

**Please select preferred  
method of  
notification.**

Mail to: Secretary of State  
Administrative Law Division  
Building 1, Suite 157K  
1900 Kanawha Boulevard E  
Charleston, WV 25305-0770

Enclosed is a check for \$25.00

Fax #: (304) 558-0900

This is a change to my original filing,  
enclosed is a check for \$5.00

Email  
Address: wvsos@wvsos.com