

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

Form #3 ■

Do Not Mark In This Box

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2002 JUL 22 P 1:50

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: §46A-6J-4

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

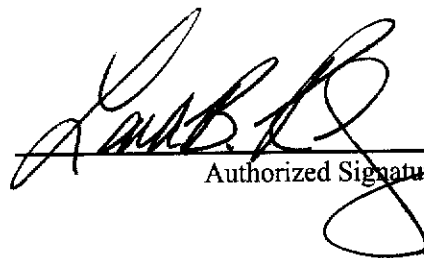
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

SCANNED

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.

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?
Posted on www.wvsos.com/csr

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 X

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

July 22, 2002

- 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

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule: X 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
ESTIMATED TOTAL COST			**\$1500.00	\$6238.98	\$6238.98
PERSONAL SERVICES			\$1000.00	\$5238.98	\$5238.98
CURRENT EXPENSE			\$500.00	\$1000.00	\$1000.00
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

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:

FILED

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

2002 JUL 22 P 1:51

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
Building 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770
adlaw@wvsos.com
www.wvsos.com



Judy Cooper, Team Leader
Administrative Law 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