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STATE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

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October 21, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Judy Cooper  
Secretary of State  
Capitol Complex  
Building 1, Suite 157-K

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Registry for Notification of a State of Emergency, 153CSR33**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

**SCANNED**

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Secretary of State

Subject: Registry for Notification of a State of Emergency,  
153CSR33

PERTINENT DATES

Filed for public comment: June 17, 2002  
Public comment period ended: July 19, 2002  
Filed following public comment period: July 22, 2002  
Filed LRMRC: July 22, 2002  
Filed as emergency:

DEPT OF WEST VIRGINIA  
SECRETARY OF STATE  
2002 AUG 30 A 10:00  
FILED

Fiscal Impact: \$6,239 increase in cost annually. The fiscal note does not indicate the amount of revenues anticipated from the fees.

ABSTRACT

The proposed rule is new. The following is a section-by-section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 relates to applying to be notified of state declared emergencies and natural disasters. It requires the applicant to complete an application listing the counties for which notification is requested or if the whole state is necessary and the form of notification which is desired.

Section 3 relates to fees. This section sets a one-time registration fee of \$25 and a \$5 fee to change contact information.

Section 4 relates to notification to applicants. This section requires the Secretary of State to notify registrants within three working days after the issuance of a proclamation by the Governor

declaring a state of emergency. The notification is to be by mail, fax or e-mail.

Section 5 relates to withdrawing from notification. It requires a registrant to submit a letter of withdrawal to the Secretary of State, if he or she wishes to be removed from the notification list.

#### AUTHORITY

Statutory authority: W.Va. Code, §46A-6J-4, which provides as follows:

The secretary of state shall promulgate rules to establish a system by which any person, corporation, trade association or partnership may register to receive notification that a state of emergency has been declared and that the provisions of this article are in effect. The rules promulgated pursuant to the authority conferred by this section may include a requirement of the payment of fees for registration.

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.