

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

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2010 JUL 29 PM 3:44

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: §29A-2-7(h)

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: 41

TITLE OF RULE BEING PROPOSED: Administrative Law Division Publication Fees

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

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: 7/28/2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Administrative Law Division, Secretary of State,
Suite 157K, 1900 Kanawha Blvd E, Charleston WV 25305
304-558-6000

jcooper@wvsos.com

LEGISLATIVE RULE TITLE: Administrative Law Division Publication Fees

1. Authorizing statute(s) citation §29A-2-7(h)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 20, 2010

b. What other notice, including advertising, did you give of the hearing?
None

c. Date of Public Hearing(s) or Public Comment Period ended:
July 28, 2010

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)

- 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, Manager
Administrative Law Division
Secretary of State

Suite 157K, 1900 Kanawha Blvd E
Charleston WV 25305

- 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:

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

d. Attach findings and determinations and reasons:

Attached

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Administrative Law Division Publication Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Secretary of State

Address: 1900 Kanawha Blvd E, Suite 157K
Charleston, WV 25305

Phone Number: 304-558-6000 Email: jcooper@wvsos.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

W. Va. Code §29A-2-7(h) and to support electronic initiative

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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other	(21,753.00)	(43,500.00)	(62,250.00)
2. Estimated Total Revenues	(2,500.00)	(5,000.00)	(7,500.00)

Rule Title: Administrative Law Division Publication Fees

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

<p>Other represents 25% in current year, 50% next year and 75% on full implementation of paper subscribers switching to electronic subscriptions with a cost savings of \$.20 per page (copy, binding, labor and postage)</p> <p>Revenues represent 25% loss of paper subscribers fees in current year, 50% next year and 75% on full implementation.</p>	
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MEMORANDUM

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.

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Date: 7/24/10

Signature of Agency Head or Authorized Representative

Marked Demment

FILED

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

2010 JUL 29 PM 3:45

SERIES 41
ADMINISTRATIVE LAW DIVISION PUBLICATION FEES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§153-41-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Administrative Law Division of the Secretary of State's Office for publications.

1.2. Authority. -- W. Va. Code §29A-2-7(h).

1.3. Filing Date. --

1.4. Effective Date. --

§153-41-2. Schedule of Fees for Publications by the Administrative Law Division.

- 2.1. Paper copies of any material filed in the Administrative Law Division: \$2.00 for labor and postage plus twenty (20) cents per page
- 2.2. Copies of state statutes: \$5.00 plus \$.20 per page.
- 2.3. Certification of any document \$10.00 plus copy charges

2.4. All requesting parties shall be required to pay for copies, except offices of the Legislative branch, the Judicial branch or documents provided through a subpoena.

2.4.a. Provided that state agencies shall receive one (1) copy of their own rules at no charge.

2.5. Annual subscription to the West Virginia State Register published weekly

- 2.5.a. Paper Copy \$250.00
- 2.5.b. CD/DVD \$300.00
- 2.5.c. Email \$100.00

2.6. Complete set of the West Virginia Code of State Rules

- 2.6.a. Paper
 - 2.6.a.1. Rules, tabs and binders \$650.00
 - 2.6.a.3. One-year monthly supplement \$150.00

2.6.b. CD/DVD	
2.6.b.1. Rules	\$100.00
2.6.b.2. One-year monthly supplement	\$100.00
2.6.c. Email/FTP	
2.6.c.1. Rules by FTP	\$100.00
2.6.c.2. One-year monthly supplement by Email	\$100.00
2.7. 4-inch binders	\$10.00 each