

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2005 JUN 28 A 9:54

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: W. Va. Statewide Addressing and Mapping Board TITLE NUMBER: 169

RULE TYPE: Legislative CITE AUTHORITY: 24E-1-5 & 11; 29A-3-15

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Final Distribution and Use of Statewide Addressing and Mapping Fund

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 28, 2005 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Craig A. Neidig, Chairman
W.Va. Statewide Addressing and
Mapping Board
Greenbrooke Bldg.
1124 Smith St., Suite LM-10

Charleston, WV 25301

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

Craig A. Neidig
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

#3.20



**WEST VIRGINIA
STATEWIDE ADDRESSING AND MAPPING BOARD**

JOE MANCHIN III
GOVERNOR

1124 Smith St., Room LM-10
Charleston, WV 25301

CRAIG A. NEIDIG
CHAIRMAN

MEMORANDUM

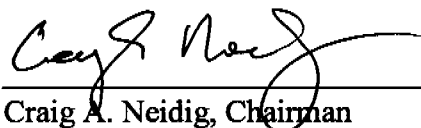
To: The Honorable Betty Ireland
Secretary of State, State of West Virginia
From: Craig A. Neidig, Chairman
Date: 28 June 2005
Subject: Proposed Legislative Rule RE: Final Distribution and Use of Statewide
Addressing and Mapping Fund

Dear Secretary of State Ireland:

The W.Va. Legislature created the West Virginia Statewide Addressing and Mapping Board in 2001. Pursuant to W. Va. Code § 24E-1-5, a special revenue fund was established with funding from private sources. Pursuant to W. VA. Code § 24E-1-11, the Board will terminate on April 1, 2007. Upon termination of the Board, W.Va. Code § 24E-1-5 further provides that any amounts remaining in the Fund are to be distributed to county commissions in accordance with legislative rules to be proposed by the Board. The proposed rules enclosed herewith are filed to meet this requirement.

Please consider this memorandum to be the Board's statement of the facts and circumstances regarding the Board's proposed rule regarding the Final Distribution and Use of the Statewide Addressing and Mapping Fund. The rules propose distributing any remaining funds to eligible county commissions in the same manner and proportions as wireless enhanced 9-1-1 (E9-1-1) fees are distributed to county commissions under W.Va. Code § 24-6-6b.

Respectfully submitted,


Craig A. Neidig, Chairman

Enclosures

Cc: Legislative Rule Making Review Committee

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Final Distribution and Use of Statewide Addressing and Mapping Funds

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: W.Va. Statewide Addressing and Mapping Board (WVSAMB)

Address: Greenbrooke Bldg.
1124 Smith St., Suite LM-10
Charleston, WV 25301

Phone Number: 304-558-4218 Email: cneidig@gis.state.wv.us

Fiscal Note Summary

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

None. The proposed measure will have no cost or revenue impact on state government. The West Virginia Statewide Addressing and Mapping Fund was created pursuant to W.Va. Code 24E-1-5 as a special revenue account funded by private sources. The Code section further requires the transfer of any amounts remaining in the fund upon termination of the WVSAMB to county commissions and requires the Board to propose rules governing the distribution of any such funds. The proposed rule is submitted to fulfill this requirement.

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	2005 Increase/Decrease (use "-")	2006 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			
Equipment			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title:

Final Distribution and Use of Statewide Addressing and Mapping Funds

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

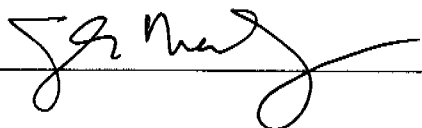
Please include any increase or decrease in fees in your estimated total revenues.

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.

Date: 6/28/05

Signature of Agency Head or Authorized Representative



**TITLE 169
LEGISLATIVE RULES**

WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD

**SERIES 3
FINAL DISTRIBUTION AND USE OF
STATEWIDE ADDRESSING AND MAPPING FUND**

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§169-3-1. General.

1.1. Scope. Pursuant to W. Va. Code § 24E-1-5, the West Virginia statewide addressing and mapping board adopts the following rules governing the final distribution and use of any remaining amounts in the statewide addressing and mapping fund upon the termination of the board scheduled under W. Va. Code § 24E-1-11 for April 1, 2007.

1.2 Authority. W. Va. Code §§ 24E-1-5; 29A-3-15.

1.3. Filing Date. June 28, 2005

1.4. Effective Date. June 28, 2005

1.5 Definitions.

1.6.a. "Board" means the West Virginia statewide addressing and mapping board.

1.6.b. "Fund" means the West Virginia statewide addressing and mapping fund.

1.6.c. "Emergency services purposes" means use related to 9-1-1 or enhanced 9-1-1 dispatch and response.

1.6.d. "Project" means the project for the creation of a statewide addressing and mapping system for emergency services purposes, but usable as a base for other purposes, in accordance with and consistent with Chapter 24E, Article 1 of the West Virginia Code.

1.6.e. "System" means the statewide addressing and mapping system to be created as a result of the project, with the participation of public agencies and other entities, including, without limitation, the establishment of city-type addressing and mapping systems essential to the prompt and accurate dispatch of emergency service providers. The term "system" also includes any local modifications that may be made to the system in order to tailor it to meet specialized local concerns.

1.6.e. "Eligible county commissions" means those county commissions that comply fully with the board's standards and other requirements for the statewide addressing and mapping system.

§169-3-2. Final Distribution and Use of Remaining Amounts in Fund.

2.1 Distribution and Use of Fund. The board shall, as its last act prior to its termination, transfer to eligible county commissions any remaining amounts in the fund, in the same proportions and manner as wireless enhanced 911 fees are distributed to county commissions under W. Va. Code § 24-6-6b for the year in which the remaining amounts from the fund are distributed. In accordance with the Legislature's express intention under W. Va. Code §§ 24E-1-1 and 24E-1-5 that the fund be used solely for establishment of a statewide addressing and mapping system primarily for emergency services purposes, those amounts may be used by county commissions solely to implement and maintain the project or the system within each county primarily for emergency services purposes.

2.2 Ineligible County Commissions. Any county commission that fails to comply fully with the board's standards and other requirements for the statewide addressing and mapping system, and that does not remedy its failure, or demonstrate substantial progress toward doing so and obtain an appropriate waiver from the board by the time of the final distribution of the fund, is ineligible to receive any distribution from the fund. Instead, the board shall distribute the share of the fund that the county commission would have received to the eligible county commissions, in the same proportions and manner as wireless enhanced 911 fees are distributed to county commissions under W. Va. Code § 24-6-6b for the year in which the remaining amounts from the fund are distributed.