

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

Form #3

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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

CITE AUTHORITY: W.Va. Code §§ 24E-1-5 & 11; § 29A-3-15

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

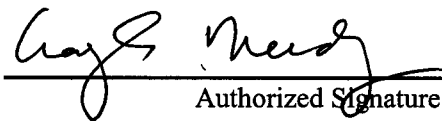
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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

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

BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES

Title 169, Series 3

Final Distribution and Use of Statewide Addressing and Mapping Fund

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 the provisions of 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 filed by the Board herewith are being filed to meet this requirement. The rules propose distributing any remaining funds to eligible county commissions in the same manner and proportions as wireless enhanced 911 fees are distributed to county commissions under W. Va. Code § 24E-6-6(b).

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: July 29, 2005

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Statewide Addressing and Mapping Board
Greenbrooke Bldg
1124 Smith St., Suite LM-10
Charleston, WV 25301
Phone: (304) 558-4218

LEGISLATIVE RULE TITLE: ~~Final Distribution and Use of Statewide Addressing and~~
Mapping Fund

1. Authorizing statute(s) citation W Va Code §§ 24E-1-5

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

June 28, 2005

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, 2005

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 29, 2005

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

Craig A. Neidig

Chairman, WVSAMB

Greenbrooke Bldg.

1124 Smith St., Suite LM-10

Charleston, WV 25301

Phone: (304)558-4218 Fax: (304)558-4963

Email: cneidig@gis.state.wv.us

- 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.

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: Final Distribution and Use of Statewide Addressing and Mapping Fund

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: July 29, 2005

Signature of Agency Head or Authorized Representative

JG Neidig

**TITLE 169
LEGISLATIVE RULES**

WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD

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

§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. -----

1.4 Effective Date. -----

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.

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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.



**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

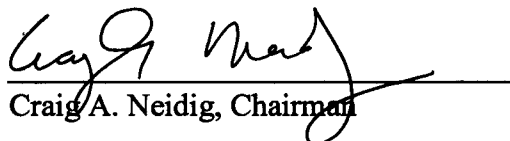
To: The Honorable Betty Ireland
Secretary of State, State of West Virginia
From: Craig A. Neidig, Chairman
Date: 29 July 2005
Subject: Proposed Legislative Rule RE: Final Distribution and Use of Statewide
Addressing and Mapping Fund

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