

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

Form #4

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SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV 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 ☒

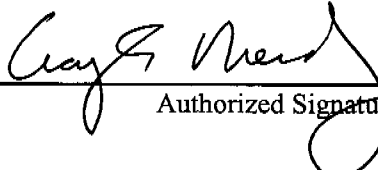
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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 RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


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).

**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.

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

1.5.b. "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.

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

1.5.d. "Fund" means the West Virginia statewide addressing and mapping fund.

1.5.e. "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.

1.5.f. "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

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includes any local modifications that may be made to the system in order to tailor it to meet specialized local concerns.

§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.

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 Fund

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: 10/17/05

Signature of Agency Head or Authorized Representative

John Hardy