

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

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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: WV Statewide Addressing and Mapping Board (WVSAMB) TITLE NUMBER: 169

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

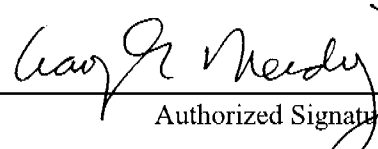
TITLE OF RULE BEING PROPOSED: Final Distribution and Use of Statewide Addressing
and Mapping Fund

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 299

SECTION §64-9-15, PASSED ON March 11, 2006

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: May 11, 2006


Authorized Signature

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WV SECRETARY OF STATE

TITLE 169
LEGISLATIVE RULES

WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD

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

FILED
2006 MAY 10 A 11: 12
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.

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

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, according to the formula contained in W.Va. Code §24-6-6b(d)(1); Provided, That the provisions of §24-6-6b(d)(1) by which a county may receive a special eight and one half tenths of one percent because of the date upon which it enacted its 911 ordinance are not applicable to the apportionment of funds transferred pursuant to this rule. 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.