



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/1/2014 9:22:56 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Schedule of Fees 50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-50



Rule Id: 9447



Document: 26101



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** **No** **TITLE-SERIES** **153-**

RULE NAME Schedule of Fees **50**

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

AUTHORIZING STATUTE(S) CITATION

39-4-20(a), 39-4-25(a)(7)

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD

Wednesday, May 28, 2014

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED

Thursday, June 26, 2014

Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Schedule of Fees 50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

**ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.**

No comments received

**DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)**

Friday, August 01, 2014

**NAME, TITLE, ADDRESS AND PHONE FAX EMAIL NUMBERS OF AGENCY PERSON(S) TO RECEIVE
ALL WRITTEN CORRESPONDENCE REGARDING THIS RULE**

**Dave Nichols, Legislative Liaison
1900 Kanawha Blvd E
Bldg 1, Ste 157-K
Charleston, WV 25303**

**Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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RULE NAME Schedule of Fees **50**

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

IF DIFFERENT FROM ABOVE, 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

same

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION, 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.

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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE

No

TITLE-SERIES

153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

DATE OF HEARING OR COMMENT PERIOD

**ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?**

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Schedule of Fees 50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

If the Rule is not adopted, the Secretary of State will have a negative revenue impact of \$209,487.00.

Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-50



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Secretary Of State

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RULE NAME Schedule of Fees 50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	-209,487.00	-209,487.00	-209,487.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE No **TITLE-SERIES** 153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The above estimate is based on the actual revenue received from January 1, 2013 to December 1, 2013.

The fees charged for notaries are not changing, and we expect the number of notaries in the state to stay approximately the same.

Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

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RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

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.

If the rule is not approved, the Secretary of State's Office will not be able to collect notary application fees, thereby causing a loss of revenue.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Sheryl Webb -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative

AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Schedule of Fees

50

CITE AUTHORITY 39-4-20(a), 39-4-25(a)(7)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Without an rule allowing for the continued receipt of a \$52 dollar notary application fee, the West Virginia Secretary of States Office will no longer be able to provide a notary commission application service and the process of application, bonding and publishing a public database of currently licensed notaries will stop. The Office will no longer be able to process and commission new notaries, renewing notaries, and manage the existing 45,000 notaries currently licensed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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TITLE 153
LEGISLATIVE RULE
WEST VIRGINIA SECRETARY OF STATE

SERIES 50
SCHEDULE OF FEES

153-50-1. General.

1.1 Scope. –This schedule establishes the fee to be charged by the Secretary of State for an application for commission as a notary public.

1.2 Authority. –W. V. Code §§ 39-4-20 (a) and 39-4-25 (a) (7).

1.3 Filing Date –

1.4 Effective Date --

153-50-2. Schedule of Fees.

2.1 Application Fee \$52.00

2.2 Fees shall be payable to the West Virginia Secretary of State by check, money order, major credit card, or certified check.