



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Secretary Of State
RULE TYPE Interpretive AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-
RULE NAME Commissioners for West Virginia 46A

CITE AUTHORITY 39-4-25

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, August 28, 2015 12:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, WV 25305

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

Yes
Natalie E Tennant -- 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: 153-46A



Rule Id: 9951



Document: 26944



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY	Secretary Of State		
RULE TYPE	Interpretive	AMENDMENT TO EXISTING RULE	No
RULE NAME	Commissioners for West Virginia	TITLE-SERIES	153-46A

CITE AUTHORITY 39-4-25

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Since the passage of the Revised Uniform Law on Notarial Acts (RULONA) in the 2014 Legislative Session, there have been questions about the compliance and duties of Commissioners for West Virginia. This Interpretive Rule is intended to clarify that, until the natural expiration of their commission, Commissioners may continue to function in the same manner as they did before passage of the RULONA.

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

Yes

Natalie E Tennant -- 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	Interpretive	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	153-
RULE NAME	Commissioners for West Virginia				46A

CITE AUTHORITY 39-4-25

PRIMARY CONTACT

Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, STATE ZIP

Natalie E Tennant -- 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	Interpretive	AMENDMENT TO EXISTING RULE	No TITLE-SERIES
RULE NAME	Commissioners for West Virginia		153-46A

CITE AUTHORITY 39-4-25

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

This Interpretive Rule will have no impact on the costs and revenues of state government.

Natalie E Tennant -- 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: 153-46A



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

AGENCY Secretary Of State
 RULE TYPE Interpretive AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-
 RULE NAME Commissioners for West Virginia 46A

CITE AUTHORITY 39-4-25

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	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Natalie E Tennant -- 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 3)

AGENCY	Secretary Of State		
RULE TYPE	Interpretive	AMENDMENT TO EXISTING RULE	No TITLE-SERIES 153-
RULE NAME	Commissioners for West Virginia		46A

CITE AUTHORITY 39-4-25

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

Because the rule makes no changes to procedures within the agency, the rule will have no fiscal impact.

Natalie E Tennant -- 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: 153-46A



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

AGENCY	Secretary Of State		
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RULE NAME	Commissioners for West Virginia	TITLE-SERIES	153-46A

CITE AUTHORITY 39-4-25

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.

Because the rule makes no changes to procedures within the agency, the rule will have no fiscal impact.

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

Natalie E Tennant -- 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: 153-46A



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

AGENCY	Secretary Of State		
RULE TYPE	Interpretive	AMENDMENT TO EXISTING RULE	No TITLE-SERIES
RULE NAME	Commissioners for West Virginia		153-46A

CITE AUTHORITY 39-4-25

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

Since the passage of the Revised Uniform Law on Notarial Acts (RULONA) in the 2014 Legislative Session, there have been questions about the compliance and duties of Commissioners for West Virginia. This Interpretive Rule is intended to clarify that, until the natural expiration of their commission, Commissioners may continue to function in the same manner as they did before passage of the RULONA.

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

Yes
Natalie E Tennant -- 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: 153-46A



Rule Id: 9951



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TITLE 153

INTERPRETIVE RULE
SECRETARY OF STATE

SERIES 46A
COMMISSIONERS FOR WEST VIRGINIA

§153-46A-1. General.

1.1. Scope. – This rule establishes the intent for those with a current, valid Commissioner for West Virginia registration on file with the Secretary of State’s Office, as described in the now repealed W. Va. Code §29-4-12, upon the passage of HB 4012 from the 2014 Legislative Session.

1.2. Authority. – W. Va. Code §39-4-25.

1.3. Filing Date. –

1.4. Effective Date. –

§153-46A-2. Power of Commissioner Appointed Under the Now Repealed W. Va. Code §29-4-12.

2.1. When any oath may lawfully be administered, or affidavit or deposition taken, within the state, territory or district for which any such commissioner is appointed, to be used in this state, it may be done by such commissioner.

2.2. Such commissioners, under regulation prescribed by law, may take, within or any place out of the State of West Virginia, the acknowledgments of deeds and other writings to be admitted to record in the state of West Virginia.

2.3. A commissioner, in performing notarial acts on or after July 1, 2014, shall comply with the provisions of W. Va. Code §39-4, with the exception of the stamp required by section seventeen of that article, per W. Va. Code §39-4-26(b).

§153-46A-3. Seal of Such Commissioner.

3.1. Each commissioner shall have an official seal which shall be a rubber stamp and shall contain:

3.1.a. The words “Official Seal”;

3.1.b. The words “Commissioner for West Virginia”;

3.1.c. The commissioner’s name exactly as it is written as an official signature;

3.1.d. The city and state of residence of the commissioner.

3.1.e. The words “My Commission Expires” and the date of expiration of the

commission.

3.2. A stamped imprint of the seal, together with the official signature, shall be filed in the office of the Secretary of State.

§153-46A-4. Renewing a Commission.

4.1. A commissioner holding a current, valid registration at the time of HB 4012 becoming effective on July 1, 2014 may continue to act as a commissioner until the expiration of that term per W. Va. Code §39-4-26(b).

4.1.a. No renewal of this registration will be accepted.

4.1.b. No new applications for this registration will be accepted.