

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

FILED

1991 APR -9 PM 1:31

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Attorney General TITLE NUMBER: 142

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 NEW RULE BEING PROPOSED: 16

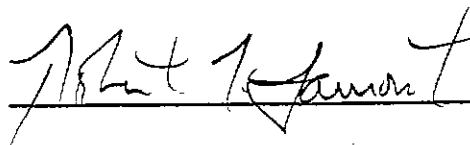
TITLE OF RULE BEING PROPOSED: Proposed legislative rule pertaining to
authorizing the Attorney General to require persons upon whom subpoenas
are served to answer written questions under oath.

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

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 637

SECTION 64-9-3 (h), PASSED ON March 9, 1991

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 9, 1991



TITLE 142

PROPOSED LEGISLATIVE RULE
ATTORNEY GENERAL
SERIES 16

Title: Proposed legislative rule pertaining to authorizing the Attorney General to require persons upon whom subpoenas are served to answer written questions under other oath

§ 142-16-1 General.

1.1 Scope - This rule shall apply to any investigation commenced pursuant to the provisions of W. Va. Code §§ 47-18-6, 7 (1978).

1.2 Authority - W. Va. Code § 47-18-20 (1978).

1.3 Filing Date - April 9, 1991.

1.4 Effective Date - April 9, 1991.

1.5 Purpose - The purpose of this rule is to authorize the Attorney General to require persons upon whom subpoenas may be served to provide written answers under oath to written questions.

1.6 Construction - This rule shall be liberally construed to effectuate the beneficial purposes of the West Virginia Antitrust Act.

1.7 Severability - If, for any reason, any section, sentence, clause, phrase, or provision of this rule or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality shall not affect other sections, sentences, phrases, or provisions or their application to any other person or circumstance, and to this end, each and every section, sentence, clause, phrase, or provision of this rule is hereby declared severable.

§ 142-16-2 Written Responses to Subpoenas.

The Attorney General may require any person upon whom a subpoena is served pursuant to W. Va. Code § 47-18-7 (1978) to answer written questions in writing and under oath.