

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 6, 1990
ADMINISTRATIVE LAW DIVISION

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Attorney General TITLE NUMBER: 142

RULE TYPE: Legislative; CITE AUTHORITY Code 47-18-20

AMENDMENT TO AN EXISTING RULE: YES___ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 17

TITLE OF RULE BEING PROPOSED: Confidentiality Requirement

DATE OF PUBLIC HEARING: August 6, 1990 TIME: 3:00 p.m.

LOCATION OF PUBLIC HEARING: Antitrust Division
812 Quarrier Street, Sixth Floor
Charleston, WV 25301

COMMENTS LIMITED TO: ORAL___, WRITTEN___, BOTH x

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Constance R. Tsokanis

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Antitrust Division
812 Quarrier St.,
Charleston, WV 25301



FISCAL NOTE FOR PROPOSED RULES

Rule Title: Confidentiality Requirement

Type of Rule: Legislative Interpretive Procedural

Agency Attorney General Address Antitrust Division
812 Quarrier Street, Fifth Floor, Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs and Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates:

No additional personnel, equipment, or facilities will be required to implement the provisions of this rule.

3. Objectives of these rules:

The objective of these rules is to clarify the application of the West Virginia Antitrust Division Act.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: _____

7/6/90

Signature of Agency Head or Authorized Representative

Daniel W. Huck

TITLE 142

LEGISLATIVE RULE
ATTORNEY GENERAL

SERIES 17
CONFIDENTIALITY REQUIREMENT

Section 142-17-1 General.

1.1 Scope - This rule shall apply to any investigation commenced by the Attorney General into alleged anticompetitive activity, when such investigation is concluded without further action pursuant to the provisions of Chapter 47, Article 18, Section 7 of the West Virginia Code.

1.2 Authority - Chapter 47, Article 18, Section 20 of the Code.

1.3 Filing Date -

1.4 Effective Date -

1.5 Purpose - The purpose of this rule is to expressly balance the valid privacy interests of the target of an antitrust investigation against whom insufficient evidence for legal action exists with the equally valid right of the public to be informed of the activities of the Attorney General and his employees in the conduct of their duties.

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.

Attorney General
Legislative Rule
§ 142-17-2

§ 142-17-2 Public release of the results of closed
 investigations by the Attorney General
 pursuant to W. Va. Code § 47-18-7.

No person shall compel the Attorney General to confirm the existence of, or to release the results of any investigation commenced pursuant to W. Va. Code § 47-18-7(a) unless such confirmation or release is pursuant to an order of a court of competent jurisdiction in an action for mandamus or other action.



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

ROGER W. TOMPKINS
ATTORNEY GENERAL

(304) 348-2021

CONSUMER HOTLINE
(800) 368-8808

July 6, 1990

The Honorable Ken Hechler
Secretary of State
State Capitol, Room 157
Charleston, West Virginia 25305

Re: Promulgation of Proposed Legislative Rule
on Confidentiality Requirement.

Dear Secretary Hechler:

Enclosed please find for filing each of the following documents:

- One (1) copy of the proposed rule;
- One (1) copy of the fiscal note for the proposed rule; and
- One (1) copy of the Notice of Public Hearing for the proposed rule.

Your attention and courtesies in this matter are greatly appreciated. If you or your staff have any questions regarding this matter, please do not hesitate to call Daniel N. Huck, Deputy Attorney General, Antitrust Division at 348-0246.

Sincerely,


ROGER W. TOMPKINS
ATTORNEY GENERAL

RWT/jar

Enclosures