

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 X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 19

TITLE OF RULE BEING PROPOSED: Proposed legislative rule pertaining to
obtaining assistance of public officials in investigations and the
commencement of proceedings to compel compliance.

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(i), 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

Robert A. Gannon

TITLE 142

PROPOSED LEGISLATIVE RULE
ATTORNEY GENERAL
SERIES 19

Title: Proposed legislative rule pertaining to obtaining assistance of public officials in investigations and the commencement of proceedings to compel compliance.

§ 142-19-1. General.

1.1 Scope - This rule shall apply to any investigation being conducted by the Attorney General under 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 establish the procedure which the Attorney General may use to require public officials to render assistance to the Attorney General in an antitrust investigation as required by W. Va. Code § 47-18-21 (1978).

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 circumstances is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, sentences, clauses, 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.

Proposed Attorney General
Legislative Rule
§ 142-19-2

§ 142-19-2. Proceedings to Enforce Compliance by Public
Officials and Employees in Antitrust
Investigations.

If any person contemplated by W. Va. Code § 47-18-21 (1978) fails to render and furnish to the Attorney General, his deputy, or other designated representative, when so requested, any and all information and assistance in such person's possession or within such person's power, the Attorney General may apply to the Circuit Court where such person resides or is employed for an order compelling compliance:

§ 142-19-3. Priority in Actions Brought by the Attorney
General to Compel Compliance with Subpoenas
or Other Investigative Requests.

If any person fails to comply with a subpoena or request for information made by the Attorney General, his deputy, or other designated representative, any application made by the Attorney General to the Circuit Court for an order requiring compliance shall be given expedited hearing by that court.