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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001



ENROLLED

SENATE BILL NO. 460

(By Senators Wootton and Chafin **)**



PASSED April 13, 2001

In Effect 9 **days from** **Passage**

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Senate Bill No. 460

(BY SENATORS WOOTON AND CHAFIN)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new chapter, designated chapter twenty-four-e, relating to forming a statewide addressing and mapping board; establishing a temporary board; and providing the rural areas of the state with city-type addressing.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, designated chapter twenty-four-e, to read as follows:

**CHAPTER 24E. STATEWIDE ADDRESSING
AND MAPPING.**

**ARTICLE 1. WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING
BOARD.**

§24E-1-1. Legislative findings; purpose.

- 1 (a) The Legislature finds and declares:

2 (1) That large areas of the state remain without city-type
3 addressing, despite the best efforts of local officials;

4 (2) That city-type addressing is essential to the prompt
5 and accurate dispatch of emergency service providers;

6 (3) That citizens of rural areas of the state that are not
7 city-type addressed should enjoy the same security, safety
8 and peace of mind as citizens in those areas that have been
9 city-type addressed;

10 (4) That a statewide system for city-type addressing
11 would provide citizens of rural areas throughout the state
12 with security, safety and peace of mind;

13 (5) That, despite progress in certain areas, a statewide
14 addressing system cannot be achieved without action by
15 the Legislature;

16 (6) That certain counties and municipalities in the state
17 have, nonetheless, made progress in achieving city-type
18 addressing in their respective jurisdictions and their
19 accomplishments ought to be respected;

20 (7) That a statewide mapping system, utilizing digital
21 mapping systems, geographic information systems, global
22 positioning systems or other appropriate systems, would
23 further aid the dispatch of emergency service providers,
24 thereby further increasing the security, safety and peace of
25 mind of the citizens of the state;

26 (8) That a temporary board, consisting of qualified
27 persons representing the disciplines most affected by an
28 integrated statewide addressing and mapping system, is
29 the best means to achieve a system; and

30 (9) That certain entities have shown interest in providing
31 for a source of funding for accomplishing a system and
32 should be encouraged to do so.

33 (b) It is, therefor, the purpose of this article to achieve a
34 statewide addressing and mapping system that will be as

35 uniform as possible while respecting the past accomplish-
 36 ments of local officials, that will be achieved quickly and
 37 cost effectively, that will be accomplished at a minimal
 38 cost, if any, to the taxpayer and that will use sound and
 39 recognized methods and standards.

§24E-1-2. Definitions.

1 (a) "Board" means the West Virginia statewide address-
 2 ing and mapping board.

3 (b) "Emergency service provider" means any emergency
 4 services organization or public safety unit.

5 (c) "Fund" means the West Virginia statewide address-
 6 ing and mapping fund.

7 (d) "Local exchange telephone company" means any
 8 public utility that is engaged in the provision of local
 9 exchange telephone service in this state and that operates
 10 and maintains an automatic location identification
 11 database of addresses of subscribers for use with enhanced
 12 emergency telephone systems.

13 (e) "Public agency" means any municipality, county,
 14 public district or public authority that provides or has the
 15 authority to provide firefighting, police, ambulance,
 16 medical rescue or other emergency services.

**§24-1-3. West Virginia statewide addressing and mapping
 board created; appointment of board members;
 submission of recommendations by certain orga-
 nizations; term of office; compensation and ex-
 penses of board members.**

1 (a) There is hereby created the West Virginia statewide
 2 addressing and mapping board. The board is to be com-
 3 posed of eleven members appointed by the governor, one
 4 of whom is to be a public service commissioner or a
 5 member of the staff of the public service commission, one
 6 of whom is to be an official or employee of the state
 7 geological and economic survey, established and continued

8 under section four, article two, chapter twenty-nine of this
9 code, qualified in the field of geographic information
10 systems, one of whom is to be an official or employee of
11 the department of military affairs and public safety, one of
12 whom is to be an official or employee of the division of
13 highways, one of whom is to be a county commissioner,
14 one of whom is to be a county assessor, one of whom is to
15 be a mayor of a municipality or a municipal official, one
16 of whom is to be a director of an enhanced emergency
17 telephone system from a county with a population of thirty
18 thousand or less as shown by the last federal census, one of
19 whom is to be a director of an enhanced emergency
20 telephone system from a county with a population of
21 greater than thirty thousand as shown by the last federal
22 census, one of whom is to be a representative of a local
23 exchange telephone company, and one of whom is to be a
24 member of the public at-large but may be affiliated with
25 any of the above entities. In making appointments to the
26 board, the governor shall, to the extent possible, ensure
27 representation on the board, by one or more members, of
28 any entity providing twenty-five percent or more of
29 funding to the statewide addressing and mapping fund
30 created by section five of this article.

31 (b) The governor shall designate a member to preside at
32 the first meeting of the board until a chairman is elected.
33 At the first meeting of the board, it shall elect a chairman
34 from its members. The member so elected is to hold the
35 office of chairman at the will and pleasure of the majority
36 of the total membership of the board.

37 (c) The public service commission, the director of the
38 state geological and economic survey, the secretary of the
39 department of military affairs and public safety, the
40 commissioner of the division of highways, the association
41 of counties, the West Virginia county commissioners'
42 association and the West Virginia municipal league, the
43 West Virginia enhanced 911 council and each local ex-
44 change telephone company shall submit two names of

45 recommended persons to the governor for each appoint-
46 ment representing its respective discipline. The governor
47 is not limited in his or her appointments, however, to the
48 names so recommended.

49 (d) The term of office for members of the board is six
50 years.

51 (e) Members of the board are entitled to the same
52 expense reimbursement paid to members of the Legisla-
53 ture for their interim duties as recommended by the
54 citizens legislative compensation commission and autho-
55 rized by law for each day or substantial portion thereof
56 engaged in the performance of official duties. Their
57 expense reimbursement is to be paid from the West
58 Virginia statewide addressing and mapping fund created
59 by section five of this article.

**§24E-1-4. Powers and duties of the West Virginia statewide
addressing and mapping board.**

1 The board may exercise all powers necessary or appro-
2 priate to effectuate the purposes of this article, including,
3 without limitation, the powers:

4 (1) To adopt statewide addressing and mapping stan-
5 dards and requirements in accordance with sections six
6 and seven of this article;

7 (2) To enter into any agreements or other transactions in
8 order to accomplish the addressing and mapping, in order
9 to secure funding for the statewide addressing and map-
10 ping fund created by section five of this article or other-
11 wise in order to accomplish the purposes of the article;

12 (3) To manage and use the West Virginia statewide
13 addressing and mapping fund created by section five of
14 this article in order to pay for the costs of statewide
15 addressing and mapping;

16 (4) To accept any private, federal or other funding that
17 may be available to effectuate the purposes of this article

18 and to deposit any funding in the West Virginia statewide
19 addressing and mapping fund created by section five of
20 this article; and

21 (5) To do all other acts necessary and proper to carry out
22 its powers and the purposes of this article.

**§24E-1-5. West Virginia statewide addressing and mapping
fund.**

1 (a) There is hereby created a special fund that is desig-
2 nated as the “West Virginia Statewide Addressing and
3 Mapping Fund”. The fund shall be treated by the auditor
4 and treasurer as a special revenue fund and not as part of
5 the general revenue of the state: *Provided*, That nothing
6 in this article can be construed to require any appropria-
7 tion by the Legislature to the fund.

8 (b) The board shall hold the proceeds of the fund in trust
9 and shall manage the proceeds of the fund solely to
10 accomplish the purposes of this article.

11 (c) Disbursements from the fund may be made only upon
12 the written requisition of the chairman accompanied by a
13 certified resolution of the board and may be made solely to
14 accomplish the purposes of this article.

15 (d) Any amount remaining in the fund upon the termina-
16 tion of the board is to be transferred to county commis-
17 sions of the state and may be used by them solely for the
18 purposes of maintaining and updating the statewide
19 addressing and mapping to be accomplished by this
20 article. No later than the first day of January, two thou-
21 sand five, the board shall propose rules for governing the
22 distribution of any amount among the various county
23 commissions for legislative approval in accordance with
24 the provisions of article three, chapter twenty-nine-a of
25 this code. The rules may not be filed as emergency rules.

**§24E-1-6. Legislative and emergency rules governing address-
ing and mapping standards.**

1 (a) The board is hereby authorized to propose rules
2 governing statewide addressing and mapping standards
3 for legislative approval in accordance with the provisions
4 of article three, chapter twenty-nine-a of this code.
5 Emergency rules are specifically authorized for this
6 purpose.

7 (b) Any rules proposed by the board must exempt from
8 the statewide addressing and mapping standards any
9 county or municipality that has completed city-type
10 addressing under the authority granted in section three,
11 article one, chapter seven of this code or otherwise.

12 (c) In proposing any rules, the board shall consider all
13 relevant factors, including, but not limited to, the follow-
14 ing:

15 (1) The system and costs of administering a city-type
16 addressing system;

17 (2) The system and costs of separately naming or renam-
18 ing roads and streets;

19 (3) The desirability of standard road and street suffixes;

20 (4) The desirability of standards for driveways and
21 private roads;

22 (5) The desirability of standard address numbering
23 increments;

24 (6) The system and costs of assigning address numbers;

25 (7) The system and costs for road naming and numbering
26 for neighboring localities;

27 (8) The desirability of standards using digital mapping,
28 geographic information systems and global positioning
29 systems;

30 (9) The desirability of standards applicable to road
31 signs;

32 (10) The desirability for requirements for displaying
33 address numbers; and

34 (11) The desirability of the adoption of national emer-
35 gency number association standards.

**§24E-1-7. Request for proposals; title to works; disbursements
to vendors and public agencies; legislative and
emergency rules.**

1 (a) The board shall, no later than the first day of Janu-
2 ary, two thousand two, issue a request or requests for
3 proposals for statewide addressing and mapping. The
4 request for proposal must include requirements that each
5 map, compilation or other work created as a result of the
6 statewide addressing and mapping intended to be accom-
7 plished by this article must be a "work made for hire"
8 within the meaning of the copyright laws of the United
9 States, 17 U. S. C. §101, *et seq.*, and that all right, title and
10 interest to each map, compilation or other work must vest
11 in the board. The request or requests for proposal may
12 include any standards or requirements the board finds
13 necessary or proper, including, without limitation, compli-
14 ance with any applicable emergency or legislative rules.
15 The board shall select a qualified vendor or vendors in
16 accordance with the applicable provisions of article three,
17 chapter five-a of this code. Disbursements from the West
18 Virginia statewide addressing and mapping fund estab-
19 lished by section five of this article are specifically autho-
20 rized in order to pay the selected vendor or vendors.

21 (b) The board may also consider applications of public
22 agencies, including, without limitation, county commis-
23 sions and municipalities, to participate in the statewide
24 addressing and mapping to be accomplished by this
25 article. Disbursements from the West Virginia statewide
26 addressing and mapping fund are specifically authorized
27 in order to reimburse such public agencies, in whole or in
28 part, for the costs incurred by them in participating in the

29 addressing and mapping to be accomplished by this
30 article, in the amount, if any, determined by the board.

31 (c) No later than the first day of January, two thousand
32 two, the board shall propose legislative rules to accom-
33 plish the purposes of this section in accordance with the
34 provisions of article three, chapter twenty-nine-a of this
35 code. The rules may require public agencies that apply for
36 reimbursement under this section, but that are exempt
37 from statewide standards under section six of this article,
38 to comply with acceptable standards to be specified in
39 those rules as a condition of receiving reimbursement. The
40 standards, however, are not necessarily required to be the
41 statewide standards to be proposed by the board in
42 legislative rules under section six of this article. Emer-
43 gency rules are specifically authorized for the purposes of
44 this section.

§24E-1-8. Liability limitation.

1 No person is liable for damages for injury, death or loss
2 to persons or property arising from any act or omission,
3 except willful or wanton misconduct, in connection with
4 developing or implementing the statewide addressing and
5 mapping to be accomplished by this article or in connec-
6 tion with providing information or assistance related to
7 the addressing and mapping or as a result of providing
8 funding to the statewide addressing and mapping fund
9 created by section five of this article.

§24E-1-9. Standard fees for maps, compilations or other works.

1 (a) The board is hereby authorized to propose rules for
2 legislative approval, in accordance with the provisions of
3 article three, chapter twenty-nine-a of this code, to
4 establish standard fees for copies or use of any maps,
5 compilations or other works that may be created as a
6 result of the statewide addressing and mapping intended
7 to be accomplished by this article. Those rules must

8 exempt from the payment of fees, however, any entity
9 providing twenty-five percent or more of the funding to
10 the statewide addressing and mapping fund created by
11 section five of this article. Those rules also must exempt
12 from the payment of the fees county commissions obtain-
13 ing the maps, compilations or other works for use in its
14 enhanced emergency telephone system established under
15 article six, chapter twenty-four of this code. The board
16 may propose other exemptions in such rules. The other-
17 wise payable standard fees must be reasonable and must,
18 to the extent possible, be based on cost. Until the termina-
19 tion of the board in accordance with section eleven of this
20 article, any fees are to be payable to the board and the
21 board shall deposit those fees in the West Virginia state-
22 wide addressing and mapping fund created by section five
23 of this article. Emergency rules are specifically authorized
24 for the purposes of this section.

25 (b) Prior to the distribution or use of any maps, compila-
26 tions or other works created as a result of the statewide
27 addressing and mapping intended to be accomplished by
28 this article, the board shall propose rules for legislative
29 approval, in accordance with the provisions of article
30 three, chapter twenty-nine-a of this code, establishing the
31 conditions and requirements governing the distribution of
32 those works, including provisions ensuring the effective
33 distribution of those works to persons with a legitimate
34 need to know, but respecting, where possible, any reason-
35 able expectations of privacy of the information contained
36 in those works, such as the names, addresses and locations
37 of the citizens of the state. The rules proposed for this
38 purpose must be consistent with the West Virginia Free-
39 dom of Information Act, article one, chapter twenty-nine-
40 b of this code. Emergency rules are specifically authorized
41 for this purpose.

§24E-1-10. Use of facilities of public service commission.

1 The board may, with the permission of, and under the
2 supervision of, the public service commission, use the

3 facilities, staff or other resources of the public service
4 commission in connection with accomplishing the pur-
5 poses of this article.

**§24-1-11. Termination of board; transfer of duties and title to
works to counties and public service commission;
legislative and emergency rules for standards;
legislative and emergency rules for standard fees to
be charged by counties for digital or other maps,
compilations or other works.**

1 (a) The board shall terminate the first day of April, two
2 thousand seven, pursuant to the provisions of article ten,
3 chapter four of this code, unless sooner terminated,
4 continued or reestablished pursuant to the provisions of
5 that article. The board shall, as its last official act prior to
6 its termination, transfer all right, title and interest to any
7 maps, compilations or other works that may be created as
8 a result of the statewide addressing and mapping intended
9 to be accomplished by this article to the respective county
10 commissions.

11 (b) Upon the termination of the board, county commis-
12 sions shall maintain and update the addressing and
13 mapping systems within their respective jurisdictions
14 under the standards established by the board, as updated
15 thereafter by the public service commission under this
16 section.

17 (c) Upon termination of the board, the public service
18 commission shall, from time to time as it finds reasonable
19 and in the public interest, maintain and update the
20 standards for statewide addressing and mapping in
21 accordance with the procedures for rulemaking under
22 section seven, article one, chapter twenty-four of this code.

23 (d) The public service commission is hereby authorized
24 to prescribe rules, in accordance with the procedures for
25 rulemaking under section seven, article one, chapter
26 twenty-four of this code and effective upon termination of

27 the board, for standard fees to be charged by county
28 commissions for copies or use of any maps, compilations
29 or other works created as a result of the statewide address-
30 ing and mapping to be accomplished by this article and to
31 be maintained and updated by the county commissions
32 after the termination of the board. The rules must include
33 the exemptions provided under section nine of this article.
34 The fees established by the rules must be reasonable and
35 must, to the extent possible, be based on cost. The public
36 service commission shall, from time to time as it finds
37 reasonable and in the public interest, revise and update
38 these rules, including, without limitation, the standard
39 fees to be charged.

§24E-1-12. Liberal construction.

1 This article is remedial and is to be construed liberally
2 in order to effectuate its purposes.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is* approved this the *1st*.....

Day of *May*....., 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/00

Time 9:35 AM