

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2003 NOV 24 P 2:21  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: STATE LOTTERY COMMISSION TITLE NUMBER: 179

RULE TYPE: PROCEDURAL CITE AUTHORITY: W.Va. Code 6-9A-3

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

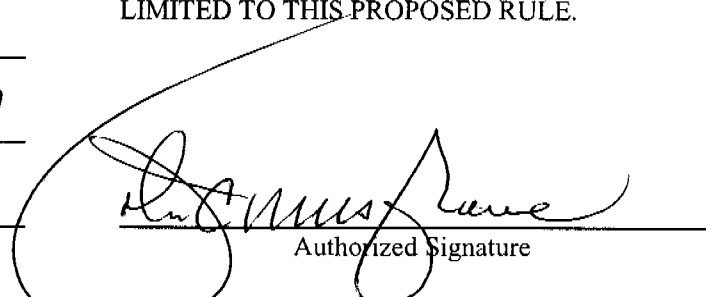
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: NOTICE AND CONDUCT OF MEETINGS

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON DECEMBER 30, 2003 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

John C. Musgrave  
Lottery Comm.  
PO Box 2067  
Charleston, WV 25327

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**Proposed New  
WEST VIRGINIA  
PROCEDURAL RULE  
WEST VIRGINIA LOTTERY  
TITLE 179  
SERIES 6  
2002**

**NOTICE AND CONDUCT OF MEETINGS**

**A BRIEF SUMMARY of the PROPOSED RULE:**

West Virginia code §6-9A-3 requires governing bodies to promulgate rules by which the time, place, date, location and agenda of its meetings are made available in advance to the public. The requirements of this statute are met by the proposed rule.

Meeting agendas will be available to the public at Lottery Headquarters in Charleston and also on the Lottery web site <http://www.wvlottery.com> at least three business days prior to regularly scheduled meetings. Emergency meeting agendas will be available at headquarters and on the web site prior to the meeting.

The rule also contains general statements about the conduct of meetings.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Notice and Conduct of Meetings

Type of Rule:      Legislative      Interpretive   X   Procedural

Agency WEST VIRGINIA LOTTERY

Address P.O. BOX 2067

Charleston, West Virginia 25327-2067

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$-0-		\$-0-	\$-0-	\$-0-
PERSONAL SERVICES					
CURRENT EXPENSES					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates : No Fiscal Impact.

3. Objectives of these rules are:

To provide how the time, place, date, location and agenda of Lottery Commission meetings are made known in advance to the public. To provide certain basic rules for the conduct of public Commission meetings.

Rule Title : NOTICE AND CONDUCT OF MEETINGS

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.

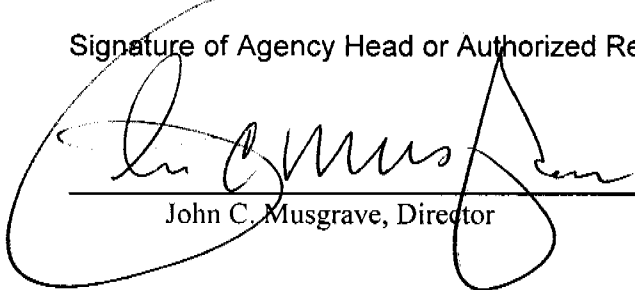
None

C. Economic Impact to Citizens / Public at Large.

none

Date : October 23, 2003

Signature of Agency Head or Authorized Representative



John C. Musgrave, Director

**TITLE 179**  
**STATE LOTTERY COMMISSION**  
**PROCEDURAL RULE**  
**SERIES 6**  
***NOTICE AND CONDUCT OF MEETINGS***

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**§179-6-1. General.**

- 1.1. Scope. -- This procedural rule establishes requirements for notice of meetings and general rules for conduct of said meetings.
- 1.2. Authority. -- W. Va. Code §§6-9A-3 and 29-22-5.
- 1.3. Filing Date. -- August 27, 2003.
- 1.4. Effective Date. -- October 1, 2003.

**§179-6-2. Preface.**

- 2.1. The West Virginia Legislature has provided in W. Va. Code §6-9A-1 that all regular and special meetings of governing bodies shall be open to the people of the State and that the people shall be given reasonable advance notice of the time, date and location of such meetings being convened: *Provided, however*, that governing bodies may hold executive sessions as part of duly convened regular, special or emergency meetings under certain circumstances as permitted by law.
- 2.2. The Legislature has provided in W. Va. Code §6-9A-3 that each governing body shall promulgate rules by which the time, place and agenda of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official attention;
- 2.3. W. Va. Code §29-22-4(c) provides that the state lottery commission shall hold at least one meeting each month, and additional meetings may be called by the chairman, the Lottery director or a majority of the commission members.

**§179-6-3. Notice of Meetings.**

- 3.1. The State Lottery Commission shall meet at its headquarters building located at 312 MacCorkle Avenue in the City of Charleston, or at such other locations as the commission may from time to time deem necessary.
- 3.2. Regular and Special Meetings -- Notice of regularly scheduled meetings and special meetings shall be provided through the State Register, administered by the West Virginia Secretary of State's office, and also shall be posted on the Commission's website at

<http://www/wvlottery.com>. Meeting notices shall be published in the state register at least five days prior to the date of the meeting. Each notice shall contain the time, date, and location of the meeting. The agenda of the meeting shall be posted on the commission's website and made available in the commission's Charleston headquarters at least three days prior to the date of the meeting. This advance period excludes the day of the meeting, along with Saturdays, Sundays and legal holidays.

3.3. Emergency Meetings -- The notice of any emergency meeting shall be published in the State Register, at any time prior to the meeting, and on the Commission's website, and shall include the date, time, place and purpose of the meeting. Any notice of an emergency meeting shall state the facts and circumstances of the emergency.

3.4. The minutes of the commission's meetings shall be open to the inspection of any member of the public at the Charleston office, as provided by W. Va. Code §6-9A-5.

#### **§179-6-4. Conduct of Meetings.**

4.1. All meetings must be open to the public, although the commission may, either on its own initiative or upon the request of an interested party, hold an executive session during a meeting after its presiding officer has identified the authorization under W.Va. Code §6-9A-4 for the holding of such executive session and has presented it to the governing body and to the general public, as required by W.Va. Code §6-9A-4. An executive session will only be held upon a majority affirmative vote of the commission members present or attending by teleconference.

4.2. Persons desiring to address the commission are encouraged to make arrangements in advance with the commission. However, advance arrangements are not necessary as such person may sign in prior to the scheduled commencement of any regular or special meeting. Any speaker shall provide his/her name, mailing address, telephone number and the subject to be addressed. Presentations shall be limited to five minutes, unless otherwise designated by the commission. Delegations are encouraged to use a spokesperson to present their concerns or proposals.

4.3 The chairman may have a person removed from the meeting room if the person, in the opinion of the chair, is disrupting the meeting to such an extent as to compromise the orderly conduct of the meeting. A motion to review the decision of the chair to have a person removed from the meeting shall have precedence over all other business, and a simple majority of members present and voting shall be necessary to overrule the initial decision of the chair.

#### **§179-6-5. Meeting by Conference Call.**

5.1. Occasions may arise when one or more commission members are not available to attend a meeting in person. On such occasions, members may attend and participate in the meeting by telephone or video teleconference to the same extent as if physically present. A speakerphone or other audio/video device shall be used at the meeting site to enable those present, including the public, to hear/see the members who are attending and participating by telephone or video teleconference.