

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED
JUN 24 1987
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Natural Resources TITLE NUMBER: 47
RULE TYPE: Procedural; CITE AUTHORITY W. Va. Code §20-1-7 and §6-9A-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3A

TITLE OF RULE BEING AMENDED: _____
Regulations for Open Governmental Proceedings

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

TITLE OF RULE BEING PROPOSED: _____

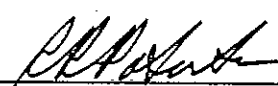
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 29, 1987 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mr. Dennis Treacy or Mr. Jeffrey Herrold
Director's Office of Regulatory Affairs
WV Department of Natural Resources

1800 Washington Street, East
Charleston, WV 25305

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



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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PREAMBLE FOR PROPOSED AMENDMENTS TO PROCEDURAL RULES
OPEN GOVERNMENTAL PROCEEDINGS

SECRET

REGULATIONS: Department of Natural Resources, Series 3A,
Regulations for Open Governmental Proceedings

AUTHORITY: West Virginia Code, Chapter 20, Article 1,
Section 7 and Chapter 6, Article 9A, Section 3

ACTION: Proposed Rules; Notice of Public Hearing and
Comment Periods

DATES: A public hearing on this proposal will be held at
1:00 p.m. on Monday, July 27, 1987 in the Director's
Conference Room 674, 1800 Washington Street, East,
Charleston, West Virginia. Written comments will be
received until 4:30 p.m. on Wednesday, July 29, 1987.

SUMMARY: The Department is proposing to amend its
procedural regulations governing open governmental
proceedings. Today's proposal revises the current
regulations to incorporate statutory changes made to Section
6-9A-3 of the West Virginia Code as a result of the recent
passage of Senate Bill No. 526. The new statutory
provisions require governing bodies within the executive
branch to file public notices of meetings with the Secretary
of State for publication in the West Virginia Register.
These notices must state the time, place, and purpose of
each meeting and must be filed in such a manner as to allow
a notice to appear in the Register at least five (5) days
prior to the date of the meeting. Today's proposal also
removes from the current regulations those governing bodies
that have been transferred from the Department to other
State agencies.

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TITLE 47
PROCEDURAL RULES
DEPARTMENT OF NATURAL RESOURCES

SECRETARY OF STATE

SERIES 3A
REGULATIONS FOR OPEN GOVERNMENTAL PROCEEDINGS

§47-3A-1. General.

1.1. Scope. -- Procedural regulations relating to open governmental proceedings.

1.2. Authority. -- W. Va. Code §20-1-7 and §6-9A-3.

1.3. Filing Date. --

1.4. Effective Date. --

§47-3A-2. Definitions.

2.1. Governing Body. As defined in Article 9A, Chapter 6 of the Code of West Virginia, governing body shall mean the members of any public body having the authority to make decisions for or recommendations to a public body on policy or administration, the membership of which governing body consists of two (2) or more members.

§47-3A-3. Governing Bodies within the Department of Natural Resources.

~~3.1. Within the Department of Natural Resources, at this time, there are ten (10) such governing bodies, they are: Natural Resources Commission, Public Land Corporation, Southeastern Interstate Forest Fire Protection Compact Advisory Committee, Point Pleasant Battle Monument Commission, Philippi Battlefield Commission, Pickett's Fort State Park Commission, Droop Mountain Battlefield Commission, Garnifex Ferry Battleground Park Commission, Reclamation Commission, and West Virginia Forestry Committee.~~

3.1. Natural Resources Commission.

3.2. Public Land Corporation.

§47-3A-4. Notice of Regularly Scheduled/Special Meetings.

4.1. Regular Meetings. The aforementioned governing bodies of the Department of Natural Resources shall, within at least seven (7) days of each regularly scheduled meeting,

cause to be published through the departmental news service a public notice which shall state the time, place, and purpose of such meeting. This public notice shall also be filed for publication with the Secretary of State in such a manner as to allow the notice to appear in the State Register at least five (5) days prior to the date of the meeting.

4.2. Special Meetings. The aforementioned governing bodies of the Department of Natural Resources shall, within at least seven (7) days of each special meeting, cause to be published through the departmental news service a public notice which shall state the time, place, and purpose of such meeting. This public notice shall also be filed for publication with the Secretary of State in such a manner as to allow the notice to appear in the State Register at least five (5) days prior to the date of the meeting.

§47-3A-5. Public Attendance.

5.1. Limiting Attendance. The presiding officer of any regularly scheduled or special meeting shall, for safety reasons, have the authority to limit the number of public attendants at such meeting.

5.2. Public Notice. ~~If there is a reason to believe that there may be more public attendants at such meeting than there is room for, the governing body shall include in its public notice a statement regarding the number of public participants that may attend the said meetings.~~ If there is a reason to believe that there may be more public attendants at a regularly scheduled or special meeting than there is room available, the governing body shall include a statement in its public notice advising members of the public who wish to attend the meeting that attendance will be limited to the number specified in the notice.