

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED
1987 JUL 30 11 50
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Department of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: W. Va. Code §§20-1-7 and 6-9A-3

RULE TYPE: PROCEDURAL INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 31, 1987



PREAMBLE FOR ADOPTED AMENDMENTS TO PROCEDURAL RULES
OPEN GOVERNMENTAL PROCEEDINGS

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: Adopted Rules

SUMMARY: The Department is adopting amendments to its procedural regulations governing open governmental proceedings. Today's filing 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 filing also removes from the current regulations those governing bodies that have been transferred from the Department to other State agencies.

A public hearing was held on July 27, 1987 in Charleston. Written comments were received until the close of business on July 29, 1987. No interested person appeared at the public hearing and no written comments were received concerning these rules. A struck-through and underlined version of the rule amendments appears below.

TITLE 47
PROCEDURAL RULES
DEPARTMENT OF NATURAL RESOURCES

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, Deep 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.

*10 TITLE 47
PROCEDURAL RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 3A
REGULATIONS FOR OPEN GOVERNMENTAL PROCEEDINGS

*09 §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. -- July 30, 1987.

1.4. Effective Date. -- August 31, 1987.

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5.2. **Public Notice.** 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.