

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #5

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**FILED**

OCT 9 10 36 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: §20-1-7 AND 6-9A-3

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-3-8

AMENDMENT TO AN EXISTING RULE: YES  , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 58CSR3A & 182CSR2

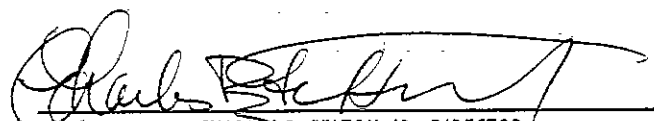
TITLE OF RULE BEING AMENDED: RULES FOR OPEN GOVERNMENTAL PROCEEDINGS

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 Nov 8, 1996**

  
CHARLES B. FELTON, JR., DIRECTOR

TITLE 58  
PROCEDURAL RULE  
DEPARTMENT BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 1  
RULES FOR OPEN GOVERNMENTAL PROCEEDINGS

**§58-1-1. General.**

- 1.1. Scope. -- Procedural rules relating to open governmental proceedings.
- 1.2. Authority. -- West Virginia Code §§20-1-7 and 6-9A-3.
- 1.3. Filing Date. -- October 9, 1996
- 1.4. Effective Date. -- October 9, 1996

**§58-1-2. Repeal of Former Regulations.**

2.1. This procedural rule repeals "Regulations for Open Governmental Meetings", §58 CSR 3A which was filed on July 30, 1987 and became effective on August 31, 1987 and "Regulations for Open Governmental Meetings", §182 CSR 2 which was filed on July 30, 1987 and became effective on August 31, 1987.

**§58-1-3. Definitions.**

3.1. "Governing Body" - means 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.

**§58-1-4. Governing Bodies Within the ~~Department~~ Division of Natural Resources.**

- 4.1. Natural Resources Commission.
- 4.2. Whitewater Commission.
- 4.3. Public Land Corporation.

**§58-1-5. Notice of Meetings.**

5.1. Regular/Special Meetings. The aforementioned governing bodies of the Division of Natural Resources shall, within at least seven (7) days of each regularly scheduled or special meeting, cause to be published through the division 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.

**§58-1-6. Public Attendance.**

6.1. 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.

6.2. 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.

KEN HECHLER  
Secretary of State

FILED



MARY P. RATLIFF  
Deputy Secretary of State

OCT 24 10 48 AM '96

STEPHEN N. REED  
Deputy Secretary of State

CATHERINE FREROTTE  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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SECRETARY OF STATE  
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Charleston, WV 25305-0770

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OCT 16 1996

L.E.D.

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations

(Plus all the volunteer  
help we can get)

TO: BILL DANIEL

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 11, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 58 NATURAL RESOURCES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]  
TITLE OF PERSON SIGNING: Deputy Chief, Law Enforcement  
DATE: 10/22/96

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\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_  
TITLE OF PERSON SIGNING: \_\_\_\_\_  
DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.