

Form #5

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

David Cecil
General Counsel

WEST VIRGINIA LEGISLATIVE RULE
WEST VIRGINIA PUBLIC ENERGY AUTHORITY
CHAPTER 5D-1
SERIES 2

Title: Establishment of Procedures for Giving Notice to the Public
 and Media of Meetings of the West Virginia Public Energy
 Authority.

Section 1. General.

1.1 Scope - This procedural rule establishes the procedures for giving notice to the public and media of meetings of the West Virginia Public Energy Authority.

1.2 Authority - West Virginia Code §5D-1-5.
 West Virginia Code §6-9A-3.

1.3 Filing Date -

1.4 Effective Date - April 28, 1991

1.5 Repeal of Former Rule - Not Applicable.

Section 2. Procedure for Giving Notice of Regular Meetings of the West Virginia Public Energy Authority.

2.1 The Chairperson of the West Virginia Public Energy Board (the "Board") shall cause to be filed in the Office of the Secretary of State for publication in the State Register a notice of each regular meeting of the Board. Each notice shall state the time, place and purpose of the regular meeting of the Board and shall be filed in a manner to allow each notice to appear in the State Register at least five days prior to the date of the meeting.

2.2 In addition to the filing prescribed in 2.1, the Chairperson shall cause a copy of the notice described in 2.1 to be

delivered to the Capitol press corps and the Chairperson may also send copies of said notice to any and all agencies, associations and persons that might be interested in such regular meeting.

2.3 In the event that there is a change in the information contained in a notice described in 2.1, the Chairperson shall cause a revised notice to be filed in the Office of the Secretary of State and copies of the revised notice to be delivered to the Capitol press corps and all other agencies, associations and persons that received the initial notice. The said revised notice shall contain all of the information, as revised, regarding the time, place and purpose of the regular meeting.

Section 3. Procedure for Giving Notice of Special Meetings of the West Virginia Public Energy Authority.

3.1 As soon as practicable after a special meeting of the Board has been properly called, the Chairperson of the Board shall cause to be filed in the Office of the Secretary of State for publication in the State Register a notice of each special meeting of the Board. Each notice shall state the time, place and purpose of such special meeting of the Board and shall be filed in a manner to allow each notice to appear in the State Register at least five days prior to the date of the meeting.

3.2 In addition to the filing prescribed in 3.1, the Chairperson shall cause a copy of the notice described in 3.1 to be delivered to the Capitol press corps and the Chairperson may also send copies of said notice to any and all agencies, associations and persons that might be interested in such special meeting.

3.3 In the event that there is a change in the information contained in a notice described in 3.1, the Chairperson shall cause a revised notice to be filed in the Office of the Secretary of State and copies of the revised notice to be delivered to the Capitol press corps and all other agencies, associations and persons that received the initial notice. The said revised notice shall contain all of the information, as revised, regarding the time, place and purpose of the special meeting.

Section 4. Publication of Notice of Meeting at Which Bond Issue will be Finally Considered

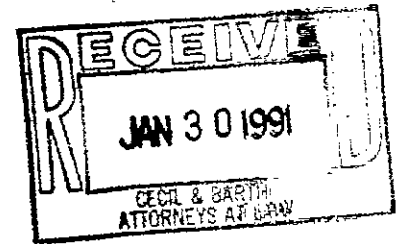
4.1 In addition to the procedures set forth hereinabove, for all meetings at which a bond issue will be finally considered, whether said meeting be a regular or special meeting, the Chairperson shall cause a notice of said meeting to be published at least ten (10) days prior to such meeting as a Class I legal advertisement published in accordance with West Virginia Code §59-3-1, et seq., in a qualified newspaper having a general circulation in Kanawha County, West Virginia. The notice required herein shall set forth the time, place and the purpose or purposes of the meeting, including the final consideration of the bond issue or issues. The failure to publish such a notice shall in no manner invalidate any action taken at such meeting.

Section 5. Emergency Meetings.

5.1 In the event of an emergency requiring immediate official action, the Chairperson shall cause to be filed in the Office of the Secretary of State an emergency meeting notice at any time prior to the meeting, a copy of such notice shall also be delivered to the Capitol press corps. The emergency meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency. No other notice shall be required to be given to the public or media of such emergency meeting, notwithstanding any other provision herein to the contrary.

WEST VIRGINIA PRESS ASSOCIATION

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Charleston, West Virginia 25302
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January 29, 1991

West Virginia Public Energy Authority
P.O. Box 129
Charleston, WV 25321

**RE: Proposed Rule on Procedures for Giving Notice to Public and Media
of Meetings of PEA**

The West Virginia Press Association is a trade association representing the daily and weekly newspapers of West Virginia.

The West Virginia Press Association wishes to object to the proposed procedures and to strongly urge revision.

Overall: The proposed procedures do not conform with the requirements set forth in §6-9A-3 of the State Code. Further, inaccurate specifications are made in reference to news media.

§2.2. We recommend that in the first sentence, "the Chairperson may cause" be changed to "the Chairperson shall cause," to bring this section into agreement with state law.

In §§2.2, 2.3, 3.2, and 3.3 the phrase "Capitol News Service" should be corrected to read "Capitol press corps." To my knowledge there is no such organization as the "Capitol News Service."

§3.2. The phrase "may cause" should be changed to "shall cause," again, to bring this section into agreement with state law.

§4.1 The phrase "may, if time allows, cause a notice . . . to be published," should be changed to "shall cause a notice . . . to be published," to bring this section into agreement with other provisions in state law regarding bond issues.

§5.1 The phrase "may cause" should be changed to "shall cause," and a requirement of like notification to the news media should be added, and the sentence starting, "No other notice shall be required. . ." should be deleted.

As a whole, the proposed procedures are in clear conflict with several state laws, including Article 9A, Chapter 6.

Sincerely,

William F. Childress

William F. Childress, Executive Director

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Secretary of State

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SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

RECEIVED

MAY 08 1992

DEPARTMENT OF CLERK
Secretary's Office

TO: J. David Cecil

AGENCY: Public Energy Authority

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 1, 1992

THE ATTACHED RULE RECENTLY 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: 2 TITLE: 53 Public Energy Authority

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: D. W. Kent

TITLE OF PERSON SIGNING: Assistant Secretary

DATE: 8 May 92

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

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____