

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

COMMENT PERIOD

AGENCY: West Virginia Regional Jail and Prison Authority

RULE TYPE: Procedural

RULE TITLE: Regulations for Public Hearings to be Held Before
Beginning Construction, Acquisition or Renovation of New or Existing Facilities

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED

AND WILL END ON January 15, 1987 AT 4:30pm. WRITTEN

COMMENTS ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

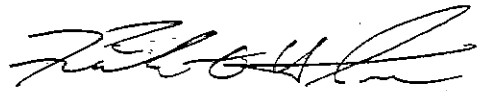
Regional Jail and Prison Authority

307 Jefferson St., State Capitol Complex

Charleston, WV 25305

Attn: Frank G. Shumaker

COPIES OF THE PROPOSED RULE ARE AVAILABLE FROM THE ADMINISTRATIVE
LAW DIVISION OF THE SECRETARY OF STATE'S OFFICE AT 345-4000.



Rich O. Hartman, Dir.
Admin. Law Div.

SECRETARY OF STATE

DEC 8 AM 11:00

FILED

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY

FILED
1983 DEC -8 AM 11:08
CLERK OF COURT
SOUTH BEND, INDIANA

Regulations for Public Hearings to be Held
Before Beginning Construction, Acquisition or Renovation
of New Facilities or Existing Facilities Not Being Used
as Jails for Use as Regional Jail or Prison Facility

Chapter 31-20
Series I
(1986)

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY

Regulations for Public Hearings to be Held
Before Beginning Construction, Acquisition or Renovation
of New Facilities or Existing Facilities Not Being Used
as a Regional Jail or Prison Facility

Chapter 31-20
Series I
(1986)

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WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY
CHAPTER 31-20
SERIES I
(1986)

Subject: Regulations for Public Hearings to be Held Before Beginning Construction, Acquisition or Renovation of New Facilities or Existing Facilities Not Currently Being Used as Jails for Use as a Regional Jail or Prison Facility

Section 1. General

1.1 Scope - Chapter 31, Article 20, Section 5 of the West Virginia Code of 1931, as amended, mandates that the West Virginia regional jail and prison authority promulgate rules and regulations for the public hearings required to be held prior to beginning construction, acquisition or renovation of any new facility or any existing facility not then used as a jail for use as a regional jail or prison facility. Rules for notice and other procedures of said public hearings shall be as similar as practicable to those hearings conducted regarding the construction of bridges by the West Virginia department of highways.

1.2 Authority - W.Va. Code §31-20-5.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - Not applicable inasmuch as the West Virginia regional jail and prison authority is a new government instrumentality created July 1, 1985. W.Va. Code §31-20-3.

Section 2. Application and Enforcement - These procedural rules shall apply to the West Virginia regional jail and prison authority, its board and any and all individuals desiring to attend or to address the board. The enforcement of these regulations shall be vested with the Chairman of the West Virginia regional jail and prison authority.

Section 3. Definitions

3.1 Authority - The West Virginia regional jail and prison authority.

W.Va. Reg. Jail & Prison Auth.
Proc. Rule, 31-20
Series I, Sec. 3.2

3.2 Regional jail or prison facility - Any facility authorized by W.Va. Code §31-20-1 et seq.

Section 4. Public Hearings - Before beginning construction, acquisition or renovation of a regional jail or prison facility except in the case of the acquisition and renovation of an existing facility used as a jail, prison or secure facility for the detention of juveniles or other involuntarily committed or confined persons, the authority shall hold a public hearing for comment on all aspects relating to the advisability of the use of the site for that regional jail or prison facility.

Section 5. Notice

5.1 Prior to said public hearing, the authority shall give notice to the public by causing to be published a Class II legal advertisement in each county to be served by the regional jail or prison facility. The authority shall attempt to ensure that the first notice shall appear at least ten days prior to said public hearing. The notice shall contain the following information:

- a. The time, date, place and purpose of the public hearing.
- b. A description of the project.
- c. A statement that the social, economic and environmental effects of the projects will be explained and discussed at the public hearing.
- d. A tentative schedule for property acquisition, relocation assistance, if any, and construction.
- f. A description of the material to be available at the public hearing and the location at which such descriptive information is available for inspection and copying.

5.2 A press release giving the time, date, place and purpose of the public hearing shall be given to radio, television and newspapers in and serving the counties to be served by the regional jail or prison facility.

5.3 The maps or drawings, if available, and information descriptive of the project shall be available for inspection and copying at the authority office and at least one location in each county to be served by the regional jail or prison facility. Said county location may be the office of the clerk of the county commission, mayor's officer or library.

Section 6. Conduct of Hearings

6.1 The public hearing shall be moderated by a member or employee of the authority and the authority shall ensure persons capable of explaining all aspects of the project attend the public hearing.

6.2 The public hearing shall begin with a presentation which shall include, but not be limited to, the following:

- a. The need for the project.
- b. The alternative courses of action.
- c. Alternative project locations and major features.
- d. The social, economic, environmental and other effects of the project and the consistency with the local planning goals and objectives.

6.3 The moderator shall then allow public comment and questions. Wide latitude shall be given public comment and questions, but the moderator may impose reasonable time limits.

6.4 The moderator will announce that written comments will be accepted by the authority for ten days following the public hearing.

6.5 A verbatim transcript of the public hearing shall be made and maintained at the authority office and will be available for public inspection.

STATE OF WEST VIRGINIA



ARCH A. MOORE, Jr.
Governor

FILED

1986 DEC -5 AM 9:38

OFFICE OF THE
SECRETARY OF STATE

REGIONAL JAIL and PRISON AUTHORITY

JOHN L. KING
Executive Director

December 1, 1986

307 JEFFERSON STREET
STATE CAPITOL COMPLEX
CHARLESTON, WV 25305
PHONE: (304) 348-2110

MEMBERS

- A.V. DODRILL, Jr.
Chairman
- JOHN F. McCUSKEY
Treasurer
- WALTER SMITTLE III
Secretary
- DR. DAVID K. HEYDINGER
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Member
- CHARLES B. CLENDENING
Member

Mr. Richard O. Hartman
Director, Administrative Law
Secretary of State's Office
State Capitol
Charleston, West Virginia 25305

Dear Mr. Hartman:

The Regional Jail and Prison Authority has adopted in their November 10, 1986, meeting, the attached procedural rules for the conduct of public hearings as required by section five, article twenty, chapter 31 of the code of West Virginia. The Authority's adoption of these rules enables me to file them with your office and request that you arrange an appropriate period of public comment.

You may feel free to refer any comments received to my office.

If additional information is needed, please feel free to contact Frank G. Shumaker at 348-2110.

Sincerely,

John L. King
John L. King
Executive Director

JLK:FGS/jp

Attachment
cc: Frank Shumaker

1986 DEC -8 AM 11:06
FILED

STATE OF WEST VIRGINIA



ARCH A. MOORE, Jr.
Governor

FILED
1987 FEB -9 PM 12:42
CLERK OF COURTS
STATE OF WEST VIRGINIA

REGIONAL JAIL and PRISON AUTHORITY

JOHN L KING
Executive Director

February 3, 1987

307 JEFFERSON STREET
STATE CAPITOL COMPLEX
CHARLESTON, WV 25305
PHONE: (304) 348-2110

MEMBERS

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Member
- CHARLES B. CLENDENING
Member

Mr. Richard O. Hartman
Director, Administrative Law
Secretary of State's Office
State Capitol
Charleston, West Virginia 25305

Dear Mr. Hartman:

On December 1, 1986, the attached procedural rules were submitted to your office for public comment prior to the final filing of these rules.

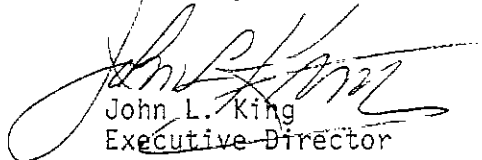
No comments concerning the proposed rules have been received during the public comment period which ended on January 15, 1987, and no comments have been received at this date.

On Page 2, Paragraph 5.1e was inadvertently omitted. This omission did not alter in any substantial way the original filing.

Therefore, please accept these regulations for final filing of the Regulations for Public Hearings to be Held Before Beginning Construction, Acquisition or Renovation of New Facilities or Existing Facilities Not Being Used as Jails for Use as a Regional Jail or Prison Facility.

If additional information is required or if there are further actions we should take in this matter, please feel free to contact me at 348-2110.

Sincerely,


John L. King
Executive Director

JLK:jp

Attachment