



ARCH A. MOORE, JR.
GOVERNOR

ROBERT E. TROCIN
COMMISSIONER

NOTICE OF EMERGENCY RULES

RULE TITLE: Rules Governing Public Use of West Virginia State
Parks, State Forests, and State Hunting and Fishing Areas.

The attached rules are filed as Emergency Rules. The facts and circumstances constituting the emergency are as follows:

The West Virginia Department of Commerce is responsible for managing 33 state parks, and all of the recreational facilities on nine state forests and eight hunting and fishing areas. In fiscal year 1985-86 well over 9,000,000 people visited the 50 areas. Many of them stayed overnight in lodges, cabins and campgrounds, while others came for the day. They participated in a variety of passive and active recreational activities ranging from sedate pursuits such as attending nature programs and conferences to vigorous activities such as horseback riding, hiking and skiing.

To effectively manage that number of recreational facilities, activities and visitors; for the immediate preservation of visitors' peace, health, safety and welfare and to assure them of a safe, beneficial and enjoyable experience; and to protect state property, comprehensive rules are required. Presently, the Department of Commerce is applying and enforcing the rules which were promulgated by the Department of Natural Resources when it was responsible for managing the state park system. When the Department of Commerce was created and the responsibility was assigned to it, the rules remained in effect.

Because of the transition and in view of the many changes in the state park system, the Department of Commerce must have its own comprehensive rules to manage the system. During the transition it prepared the attached rules for promulgation. It is taking the steps required under Chapter 29A, Article 3 of the Code of West Virginia to promulgate them as legislative rules and to that end it has filed them with the Secretary of State on December 19, 1986, and scheduled a hearing on January 21, 1987.

Because application and enforcement the attached rules are required immediately, in accordance with the provisions Chapter 5B, Article 1, Section 13a of the Code of West Virginia and the authority vested in me as the Commissioner of the Department of Commerce, I have promulgated the same as emergency rules effective as of December 29, 1986.

Robert E. Trocin
Commissioner

WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF COMMERCE
CHAPTER 5B-1
SERIES 1

Title: Rules Governing Public Use of West Virginia State
Parks, State Forests, and State Hunting and Fishing
Areas

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WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF COMMERCE
CHAPTER 5B-1
SERIES 1

FILED
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DEPARTMENT OF COMMERCE
STATE OF WEST VIRGINIA

Title: Rules Governing Public Use of West Virginia
State Parks, State Forests, and State Hunting
and Fishing Areas

Section 1. General

1.1 Scope - These legislative rules govern the public use of West Virginia state parks, state forests, and state hunting and fishing areas. The rules are necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2 Authority - W.Va. Code 5B-1-13a.

1.3 Filing Date -

1.4 Effective Date -

Section 2. General Rules Governing Public Use of State Parks, State Forests, and State Hunting and Fishing Areas

2.1. It is unlawful to cut, deface, destroy, or drive any object into any tree, shrub, rock, sign, building or other structure or object in a state park, state forest, or state hunting and fishing area.

2.2 It is unlawful to remove any man-made or natural object, material, substance, plant, animal, or historical or archeological relic or artifact from a state park, state forest, or state hunting and fishing area, except those legally acquired through hunting and fishing in accordance with Article 2, Chapter 20 of the Code of West Virginia, 1931, as amended, or upon proper authorization in writing by the Director of the Division of Parks and Recreation, Department of Commerce.

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Series 1, Sec. 2

2.3 Fires may be lighted only in fireplaces, fire rings or grates provided by the State or in places designated by the area superintendent. Those responsible for a fire shall extinguish it completely before leaving it. Ashes, charcoal briquets and other materials used for a fire shall be left in the fireplace, fire ring, grate or place designated for the fire, or be deposited in a trash container or one provided specifically for that purpose but only after they are extinguished. Such materials shall not be strewn over the ground.

2.4 No person shall attempt to or hunt, catch, capture, take, kill, trap, pursue or have in his possession any animal, except as provided in Article 2, Chapter 20 of the Code of West Virginia, 1931, as amended. Hunting is prohibited in all state parks and on the Greenbrier River Trail; however, legally authorized hunting is permitted in state forests, and state hunting and fishing areas.

2.5 Loud or excessive noise, demonstrations, disturbances, disorderly conduct, profanity, public drunkenness, and the possession or use of controlled substances is prohibited and unlawful.

2.6 Camping in any manner is prohibited in state parks, state forests, and state hunting and fishing areas, except at numbered sites in areas designated for camping. The length of stay in any camping area shall not exceed fourteen consecutive nights, except after Labor Day until the first day of May of the following year campsites may be rented for longer periods, at the discretion of the area superintendent, when there are vacant campsites. In no case may occupancy of a campsite be extended by the camper registering under a different name.

2.7 Swimming is prohibited in state parks, state forests, and state hunting and fishing areas, except in places designated for that purpose.

2.8 High risk recreational activities including, but not limited to, rock climbing, rappelling, hang gliding, parachuting, parasailing, horseback riding, and spelunking are prohibited, except in areas designated for such purposes by the

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area superintendent by posted signs. Scenic rocks, overlooks and vistas are for providing scenic beauty and aesthetic benefit for guests; therefore, they shall not be used for, or disfigured by, any high risk recreational activity.

2.9 Garbage, waste, bottles, cans, paper, junk, or any other trash or refuse shall not be dumped, deposited or strewn within the boundary of any state park, state forest, or state hunting and fishing area.

2.10 Lodge rooms, cabins, campsites, picnic shelters, swimming pools and beaches, or any other facility shall not be subleased by guests or patrons.

2.11 It is unlawful for any person not to pay the rental, charge or fee for any facility, service, activity or good he uses or purchases in a state park, state forest, or state hunting and fishing area.

2.12 Only registered lodge, cabin, and camping guests, and persons who have authorized, legitimate business in a state park, state forest, or state hunting and fishing area are permitted on the premises between the closing hour of 10:00 p.m. and the opening hour of 6:00 a.m. during which hours they are closed to the general public.

2.13 Dogs and cats are the only pets permitted in state parks, state forests, and state hunting and fishing areas; however, they are prohibited in state park and state forest cabins and the areas immediately around them, in state park lodges, and in swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds and other similar intense public use areas, they shall be restrained at all times on a sturdy leash not to exceed ten feet in length and their owner or master shall clean up its excreta, keep it quiet and from disturbing other guests, and be responsible for all damages it causes.

2.14 Explosives, incendiaries, flammables and other dangerous substances are prohibited in state parks, state forests, and state hunting and fishing areas.

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Leg. Rule, 5B-1
Series 1, Sec. 2

2.15 Uncased firearms, uncased bows and uncased arrows are prohibited in state parks, state forests, and state hunting and fishing areas, except:

1. When the area is open for hunting (hunting is prohibited in state parks and on the Greenbrier River Trail) or when a registered park or forest guest has the written permission of the area superintendent to carry them cased from his lodge room, cabin or campsite to open hunting areas, or to an officially designated rifle, pistol, skeet, trap, target or shooting range.
2. Area superintendents may authorize their use in historical reenactments and plays.
3. The Director of the Division of Parks and Recreation, Department of Commerce, may authorize their use for a limited period in conjunction with recreational and arts and crafts programs.

2.16 The Department of Commerce assumes no responsibility for any personal property. If personal property is abandoned or left unattended more than forty-eight (48) hours, it will be removed from the public use area and disposed of according to law.

2.17 Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited in state parks, state forests, and state hunting and fishing areas without the written permission of the Commissioner of the Department of Commerce.

2.18 Fishing and boating are permitted in state parks, state forests, and state hunting and fishing areas only in accordance with state law, fishing and boating rules and regulations promulgated thereunder, and rules publicly posted in those areas.

2.19 The speed limit is thirty (30) miles per hour in state parks, state forests, and state hunting and fishing areas,

except where a lower speed limit is posted. All traffic laws, signs and directions shall be strictly observed. Driving of motor vehicles in any manner that creates a nuisance to any guest by repetitive or continuous cruising or operation is prohibited.

2.20 Motor driven vehicles including, but not limited to, trail bikes, motorbikes, snowmobiles, and all terrain vehicles may be operated only on public roads usable by automotive vehicles, and on trails and areas designated for their use by the area superintendent by posted signs. It is unlawful for any unauthorized motor driven vehicle to go beyond a gate, cable, or other obstruction, or to proceed beyond any sign prohibiting such travel. All motor driven vehicles in state recreational areas shall obey and comply with all applicable state laws, rules and regulations.

2.21 No person may operate a vehicle in a manner so as to harass, chase or annoy any person or animal.

2.22 Beer, wine, liquor, and all other alcoholic beverages are prohibited within the boundaries of all historical, day use and natural area state parks, which are Beartown, Berkeley Springs, Carnifex Ferry Battlefield, Cass Scenic Railroad, Cathedral, Chief Logan, Droop Mountain Battlefield, Fairfax Stone Historic Monument, Grandview, Little Beaver, Pinnacle Rock, Point Pleasant Battle Monument, Prickett's Fort, Valley Falls, and Watters Smith Memorial, and the Greenbrier River Trail; in the following vacation parks: Audra, Babcock, Bluestone, Stonewall Jackson Lake, and Tomlinson Run, and in all of Hawks Nest State Park except the lodge; in all state forests, which are Cabwaylingo, Calvin Price, Camp Creek, Coopers Rock, Greenbrier, Kanawha, Kumbrabow, Panther, and Seneca; in the following public hunting and fishing areas: Berwind Lake, Big Ditch Lake, Bluestone, Laurel Lake, Moncove Lake, Pleasants Creek, Plum Orchard Lake, and Teter Creek Lake; and in those state park areas where they are prohibited by posted signs.

2.23 No person may operate a motor driven vehicle on the Greenbrier River Trail, except (a) those persons who have a vested right of ingress to and egress from the trail, (b) those persons who are authorized by the Commissioner of the Department of Commerce to use them in the management, construction, maintenance and operation of the trail and its facilities; or (c) to fight forest fires and handle other emergencies.

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 2

2.24 Any person may be evicted from a state park, state forest, or state hunting and fishing area for any breach of the rules set forth herein, or for the breach of any other rule which is in effect governing their use. All rentals, charges and fees are forfeited upon such eviction.

Section 3. Rules Governing Public Use of Campgrounds in State Parks, State Forests, and State Hunting and Fishing Areas

3.1 Campsites which are not reserved shall be rented on a first come, first served basis. Campers shall register before occupying a campsite, unless otherwise instructed by posted signs or by other clear means. A campsite is reserved when the rental fee for the site has been paid, which shall be indicated by a camping permit affixed to the numbered campsite post.

3.2 One responsible person who has passed his eighteenth birthday shall be at each rented campsite who is answerable for the actions and safety of the campsite occupants and liable for any damages caused by them.

3.3 Camping in any manner is prohibited in state parks, state forests, and state hunting and fishing areas, except at numbered sites in areas designated for camping. Campground facilities are provided for the exclusive use of registered campers, except that the area superintendent, at his discretion, may permit cabin guests to use campground laundry facilities during periods of low use by campers, preferably at a designated time.

3.4 The length of stay in any camping area shall not exceed fourteen consecutive nights, except after Labor Day until the first day of May of the following year campsites may be rented for longer periods, at the discretion of the area superintendent, when there are vacant campsites. At the end of a rental exceeding fourteen consecutive nights the area superintendent, at his discretion, may request the camper to move to another campsite for conservation and maintenance of the first rental site. In no case may occupancy of a campsite be extended by the camper registering under a different name.

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 3

3.5 Not more than two motor vehicles are permitted on a campsite at any time. A non-family camping group may have only one camping unit (tent, trailer, motor home, camper van, etc.) on its campsite. A family camping group, at the discretion of the area superintendent, may be permitted to have one or two small tents on its campsite in addition to the main camping unit, but in no case may the additional units be ecologically detrimental to the campsite. A family is defined as parents or guardians and their dependent children.

3.6 Campsites shall be vacated by 12:00 noon on the day the campsite rental permit expires, unless the area superintendent extends the time at the request of the camper. No extension may extend beyond 4:00 p.m.

3.7 The campsite rental fee does not include the use of any other facilities or services for which a fee or rental is charged.

3.8 The washing of any equipment, paraphernalia, clothing, pet or the body is prohibited at water fountains and water pumps, and in lakes, ponds, pools and streams. The washing of cooking utensils, tableware, flatware or any other cooking or eating paraphernalia is prohibited at water fountains and water pumps, and in comfort stations, bathhouses and washrooms.

3.9 Hay, straw, boughs, pine needles or other similar materials shall not be kept or used in tents or screened rooms or under shelters for bedding or any other purpose.

3.10 No object may be driven into any tree, shrub, rock, sign, building or other object or structure in a state campground. Trenching or digging in a campsite is prohibited.

3.11 Quiet hours are in effect, and they shall be observed and enforced from 10:00 p.m. to 7:00 a.m. Generators shall not be operated during quiet hours. Motorbike riding is prohibited in camping areas, except to go to and from the campsite.

3.12 No bicycle may be ridden in a campground after dark, unless it is equipped with lights on both its front and rear and the lights are turned on while it is being ridden.

Section 4. Rules Governing Public Use of Swimming Areas in State Parks, State Forests, and State Hunting Fishing Areas

4.1 Swimming is prohibited in state parks, state forests, and state hunting and fishing areas, except in places designated for that purpose. Each person entering a designated swimming area shall pay the admission fee, except cabin and lodge guests are exempt. Children who have not reached their tenth birthday shall be accompanied at all times they are in the swimming area by a responsible person at least twelve years of age. Persons who have reached their twelfth birthday are required to purchase an adult ticket for admission to the swimming area.

4.2 Any person may be denied admission to the swimming area who has a skin abrasion, cold, cough, inflamed eye, infection, rash, bandage or cast. Admission shall be denied to any person who is under the influence of alcohol, controlled substance or medication.

4.3 Glass, food, ice chests, picnic supplies, beer, wine, alcoholic beverages, controlled substances and pets are prohibited in swimming areas. Food and drink purchased from the concession stand may be consumed only in the area designated for that purpose.

4.4 Plastic or rubber rafts, inner tubes, balls, inflatable water wings, and similar paraphernalia, toys and man-made objects of any kind are prohibited within the swimming area, except that exceptions may be made for the handicapped and for organized activities at the discretion of the lifeguard in charge.

4.5 No person is permitted in the water unless he is dressed in recognized swimming apparel. No street wear, cutoffs or similar apparel may be worn in the water. Parents and guardians who have purchased an adult ticket may enter the swimming area in street clothes to accompany and supervise their children who have not reached their twelfth birthday and have purchased a children's ticket. Parents and guardians who enter the swimming area and are not dressed in recognized swimming apparel are prohibited from entering the water.

Dept. of Commerce
Leg Rule, 5B-1
Series 1, Sec. 4

4.6 The wearing of indecent swimming or other apparel, the commission of any indecent act, and the commission of any act of indecent exposure are prohibited in the swimming area. Commission of any such act is cause for immediate eviction from the swimming area.

4.7 Only one person is permitted on a diving board at a time. Running, pushing, wrestling, roughhousing or causing undue disturbance, noise or commotion is prohibited in the swimming area.

4.8 Only state employees or other authorized personnel are permitted behind counters where cash registers are located, behind concession stand counters, or in concession stand food storage areas, basket rooms, swimming area storage supply rooms, filtration rooms or chlorine rooms.

4.9 Every person entering a swimming area shall comply with all swimming rules and every instruction or directive of the lifeguards. Any person who fails to comply may be evicted immediately from the swimming area by a lifeguard or other state employee. Any person evicted forfeits the fee he paid to enter the swimming area.

4.10 No refunds may be given for any reason to any person who leaves the swimming area.

Section 5. Enforcement of Rules Governing Public Use of State Parks, State Forests, and State Hunting and Fishing Areas and Penalties

5.1 Violation of Rules Construed as Exercise of Law Enforcement Responsibilities Under Article 7, Chapter 20 of West Virginia Code.

In view of the retention of law enforcement authority as set forth in Subdivision (c), Section 13, Article 1, Chapter 5B of the Code of West Virginia, 1931, as amended, and the status of state park, state forest, and state hunting and fishing area management personnel being designated as Special Conservation Officers, violations of the rules set forth in this Series 1 shall be construed as an exercise of law enforcement responsibilities under the purview of Article 7, Chapter 20 of the said code.

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 5

5.2 Responsibility for Enforcing the Rules.

It is the duty and responsibility of Conservation Officers, Special Conservation Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state hunting and fishing areas to enforce the rules set forth in this Series 1.

5.3 Violation of Rules and Penalties.

Any person violating any of the rules set forth in this Series 1 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with Section 9, Article 7, Chapter 20 of the said Code.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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STATE OF WEST VIRGINIA

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(Plus all the volunteer
help we can get)

February 9, 1987

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE


AGENCY: Department of Commerce

RULE: New Series 1, Public Use of West Virginia State Parks,
State Forests and State Hunting & Fishing Areas

DATE FILED AS AN EMERGENCY RULE: December 29, 1986

DECISION NO. 3-87

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved, with amendment to Section 2.8. A copy of the complete decision with required findings is available from this office.



KEN HECHLER
Secretary of State

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Feb 9, 1987
ADMINISTRATIVE LAW DIVISION

KEN HECHLER
Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

DECISION

Emergency Rule Decision
(ERD 3-87)

AGENCY: Department of Commerce

RULE: New Rule, Series 1, Public Use of West Virginia State
Parks, State Forests, and State Hunting & Fishing
Areas

DATE FILED AS AN EMERGENCY RULE: December 29, 1986

- par. 1 The Department of Commerce has filed as emergency rule an amendment to the above rule.
- par. 2 It is to govern the use of the areas authorized to the Department for oversight and management.
- par. 3 West Virginia Code 29A-3-15A requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 4 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [29A-3-15a(a)].
- par. 5 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 6 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the ERD is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

- par. 7 The Department of Commerce has filed this emergency rule with supporting documents with the Secretary of State on December 29, 1986.
- par. 8 It is the determination of the Secretary of State that the Department of Commerce has complied with the procedural requirements of WV Code §29A-3-15.
- par. 9 (B) Statutory Authority -- WV Code §5B-1-13a:

In addition to the powers and duties vested in the commissioner elsewhere in this chapter, he shall have the power and duty to establish and maintain a state park and public recreation system, and to do all things necessary and incident to the development and administration thereof.

The commissioner may promulgate rules and regulations to control such uses, subject to the provisions of chapter twenty-nine-a (§29-1-1 et seq.) of this code and may further provide for the construction and operation of cabins, lodges, resorts, restaurants and other developed recreational and service facilities.

- par. 10 It is the determination of the Secretary of State that the Department of Commerce has not exceeded its statutory authority by adopting this rule.
- par. 11 (C) Emergency: WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

- par. 12 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.
- par. 13 The facts and circumstances as presented by the Insurance Commission are as follows:

The West Virginia Department of Commerce is responsible for managing 33 state parks, and all of the recreational facilities on nine state forests and eight hunting and fishing areas. In fiscal year 1985-86 well over 9,000,000 people visited the 50 areas. Many of them stayed overnight in lodges, cabins and campgrounds, while others came for the day. They participated in a variety of passive and active recreational activities ranging from sedate pursuits such as attending nature programs

and conferences to vigorous activities such as horseback riding, hiking and skiing.

To effectively manage that number of recreational facilities, activities and visitors; for the immediate preservation of visitors' peace, health, safety and welfare and to assure them of a safe, beneficial and enjoyable experience; and to protect state property, comprehensive rules are required. Presently, the Department of Commerce is applying and enforcing the rules which were promulgated by the Department of Natural Resources when it was responsible for managing the state park system. When the Department of Commerce was created and the responsibility was assigned to it, the rules remained in effect.

Because of the transition and in view of the many changes in the state park system, the Department of Commerce must have its own comprehensive rules to manage the system. During the transition it prepared the attached rules for promulgation. It is taking the steps required under Chapter 29A, Article 3 of the Code of West Virginia to promulgate them as legislative rules and to that end it has filed them with the Secretary of State on December 19, 1986, and scheduled a hearing on January 21, 1987.

Because application and enforcement the attached rules are required immediately, in accordance with the provisions Chapter 5B, Article 1, Section 13a of the Code of West Virginia and the authority vested in me as the Commissioner of the Department of Commerce, I have promulgated the same as emergency rules effective as of December 29, 1986.

Par. 14 A public hearing on this proposed rule was hold on January 21, 1987, during which great opposition was voiced concerning the rigid dictates of Section 2.8. This section reads as follows:


2.8. High risk recreational activities including, but not limited to, rock climbing, rappeling, hang gliding, parachuting, parasailing, horseback riding, and spelunking are prohibited, except in areas designated for such purposes by the area superintendent by posted signs. Scenic rocks, overlooks and vistas are for providing scenic beauty and aesthetic benefit for guests; therefore, they shall not be used for, or disfigured by, any high risk recreational activity.

par. 15 Various persons representing state, national and local associations involved in rock climbing, spelunking and emergency medical service training sought clarification of this section and opposed the broad discretion afforded each park superintendent. With no firm figures at hand to demonstrate injuries or death among the members of such groups while utilizing the state's recreational ares, this section was not needed as a blanket emergency rule prohibition. Clearly the

general public untrained and unsupervised risk injury by attempting the listed activities, but this section needs further drafting to protect an uninitiated public while allowing the competent access under reasonable regulation. This section is disapproved as written, but redrafted and refiled may be approved. The remainder of the rule is approved as an emergency to regulate as soon as possible the state's recreational areas during the following year.

par. 16 It is the decision of the Secretary of State that this proposal by the Department of Commerce is in procedural compliance with WV Code 29A-3-15; does not exceed the statutory authority of the Department of Commerce; and that the facts and circumstances presented constitute an emergency. Therefore, the Secretary of State decides that this emergency rule should be approved.

par. 17 This decision shall be cited as Emergency Rule Decision 3-87 or ERD 3-87 and may be cited as precedent. This decision is available from the Secretary of State's office and has been filed with the Department of Commerce, the Attorney General and the Legislative Rule Making Review Committee.



KEN HECHLER
SECRETARY OF STATE

Entered _____

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Feb 9, 1987
ADMINISTRATIVE LAW DIVISION