

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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SECRETARY OF STATE

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

AGENCY: ATTORNEY GENERAL TITLE NUMBER: 142

CITE AUTHORITY: WV Code 29B-1=3

RULE TYPE: PROCEDURAL XXX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES XX, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 2

TITLE OF RULE BEING AMENDED: Freedom of Information Rules

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 December 21, 1988

Rob Abbot
Rob Abbot

"PROPOSED REVISION TO"
TITLE 142
PROCEDURAL RULE
ATTORNEY GENERAL

SERIES 2
FREEDOM OF INFORMATION RULES

Section 142-2-1. General.

1.1. Scope. -- These rules relate to section one, article one, chapter twenty-nine b et seq. of the West Virginia Code of 1931.

1.2. Authority. -- W.Va. Code Section 29B-1-3

1.3. Filing Date. -- ~~October 3, 1983~~

1.4. Effective Date. -- ~~November 3, 1983~~

Section 142-2-2. Request procedure.

2.1. Document request. -- A request to inspect or copy any public record for which the Office of the Attorney General is the custodian must be in writing and contain the following information:

(a) A description of each document sought and, if available, the title, date and author of each such document:

~~(b) A general statement of the intended use of such documents; and~~

~~(c) (b) The name and address of the person or persons requesting to inspect or copy such public records.~~

~~2.2. Library material request. -- A request to provide copies of statutes, case law, official opinions or other like materials that may be contained in the library maintained in the Office of the Attorney General must be in writing and indicate the volume(s) and page numbers where such material is located.~~

Section 142-2-3. ~~Special~~ E exemptions.

3.1. Code of Professional Responsibility. -- Records exempt from disclosure by Canon 4 of the Code of Professional Responsibility shall not be disclosed except as provided under the provision set forth therein.

3.2. Special Exemptions. -- The categories of information set forth in West Virginia Code section four, article one, chapter twenty-nine-b are hereby adopted as exempt from disclosure.

Section 142-2-4. Request for compilations.

4.1. Compilations not provided. -- The Office of the Attorney General may decline to honor requests which require the creation of a record containing a compilation of records, extraction of information from other records or any statistical analysis of records.

Section 142-2-5. -- Fees for the reproduction of records.

5.1. Cost per page. -- The cost for reproducing records shall be ~~twenty five cents (\$.25)~~ ten cents (\$.10) per page.

~~5.2. Method of payment. -- Payment for the reproduction of records shall be made in advance in cash or by certified check.~~

~~5.3. Exemption from payment. -- No payment for the reproduction of documents shall be required under the following circumstances:~~

~~(a) Request is made pursuant to established discovery procedures;~~

~~(b) Requests made by state agencies and local government agencies;~~

~~(c) Requests made by in-state press; and~~

~~(d) Requests made by prosecuting attorneys and other elected officials.~~

WV PRESS
ASSOCIATION

RECEIVED
MAY 23 1988
ATTY GEN OFFICE

William F. Childress
Executive Director

May 20, 1988

Chief of Staff
Office of the Attorney General
State Capitol Complex
Building 1, Room 26-E
Charleston, WV 25325

Dear Sir:

RE: Proposed Revision to Title 142 Procedural Rulle (FOI)

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

We have reviewed the proposed changes in Freedom of Information Rules for your office. We wish to state for the record that we approve of and endorse these changes.

In particular, we believe the deletion of Subsection 2.1(b), which requires a statement of "intended use," Section 2.2, which refers to "library material request," and section 5.2, which relates to method of payment of fees, would be beneficial to the interests of Freedom of Information as per W.Va. Code Chapter 29B.

We note, also, that hereafter in-state news media would no longer be exempt from payment of reproduction fees. In view of the proposed reduction to 10 cents per page for such work, we have no problem with this change.

Sincerely,



W. F. Childress
Executive Director

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Rob Abbot - AG

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: Nov 29, 1988

RECEIVED

NOV 30 1988

ATTY GEN. OFFICE

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) 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

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: Rob Abbot

TITLE OF PERSON SIGNING: Chief of Staff

DATE: Nov 28, 1988

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____