

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Oct 2, 1984

TO: A. James Manchin, Secretary of State; State Register
And

TO: Department of Culture and History

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Regulations for Implementation of Certified Local Government
(C.L.G.) Program; Chapter 29-1, Series I, (1984)

FILED
1984 OCT - 3 PM 4: 47
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule XXX
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

PROPOSED LEGISLATIVE RULE ANALYSIS

Agency: Department of Culture and History; Archives and History Commission

Rule: Regulations for Implementation of Certified Local Government (C.L.G.) Program; Chapter 29-1, Series I (1984)

Abstract

This is a new rule. Its existence is required by the National Historic Preservation Act (16 USC 470) which allows funding to certified local governments, for a program of identification, evaluation and protection of historic properties within the state. This rule must also be approved by the United States Secretary of the Interior.

Authority

Code 29-1-5. Archives and history division, director.

"The director may promulgate rules and regulations concerning the professional policies and functions of the archives and history division, subject to the approval of the archives and history commission."

Code 29-1-6. Archives and history commission.

"(5) To approve rules and regulations concerning the professional policies and functions of the division as promulgated by the director of the archives and history division; and"

Pertinent Dates

Filed for Public Hearing: August 10, 1984
Date of Public Hearing: September 10, 1984
Filed following Public Hearing: September 14, 1984
Filed with LRMRC: September 14, 1984
Filed as Emergency: August 9, 1984

Analysis

SECTION 1. Administrative.

SECTION 2. Definitions.

NB 1: There is no definition for "State Review Board" which is referred to in Sections 4 and 8.

SECTION 3. Administrative.

SECTION 4. Requires the local government seeking certification to establish a historic landmark commission; covers membership of the commission and duties and insures public participation.

SECTION 5. Procedure for requesting certification.

SECTION 6. Procedure for nomination of property to the National Register.

SECTION 7. Monitoring and decertification procedures.

SECTION 8. Transfer of funds; federal law requires a minimum of 10% of the state's annual apportionment to go into the CLG's fund. Applications for funds are evaluated by the State Historic Preservation Office, reviewed by the State Review Board and then recommended to the Archives and History Commission.

SECTION 8.04. Establishes that no CLG unit may receive more than 30% of the available funds each year.

NB 2: There is no matching requirement mentioned in these rules. However, the state office does require matching either from the state office or the local unit. The committee may wish to know what conditions or criteria will lead the state office to match with their own state dollars or require the local unit to do the matching.

Staff Comments

This program is not expected to go operational until the Department of Interior approves these rules; possibly in April 1985. They must, however, be submitted to Interior by December 12, 1984, so as to not jeopardize federal funding.