

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2004 JUL 12 P 2:34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Culture & History TITLE NUMBER: 82

RULE TYPE: Procedural CITE AUTHORITY: 29-1-1; 29A-1-1, et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

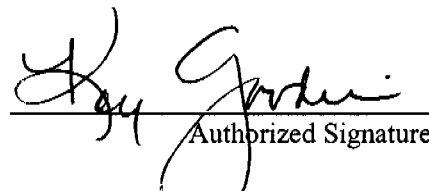
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Veterans Memorial Archives Advisory Committee

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 13, 2004 AT 4:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Patricia K. Pleska, Manager
Veterans Memorial Archives
WV Division of Culture & History
The Cultural Center
1900 Kanawha Blvd. East
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Brief Summary of Proposed Rule

Agency: Division of Culture & History

Rule Title: Veterans Memorial Archives Advisory Committee

Rule Summary:

The purpose of this rule is to establish a Veterans Memorial Archives Advisory Committee, composed of certain citizens and officers of the state, to assist the Director of Archives & History and the Manager of the Veterans Memorial Archives in developing policy concerning the West Virginia Veterans Memorial and the Veterans Memorial Archives.

Statement of Circumstances of Proposed Rule

Agency: Division of Culture & History

Rule Title: Veterans Memorial Archives Advisory Committee

Rule Circumstances:

The circumstances requiring the adoption of this rule are to provide for more formalized public involvement regarding certain policies affecting the West Virginia Veterans Memorial (that part that is administered by the Archives & History Section of the Division of Culture & History) and the Veterans Memorial Archives.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Veterans Memorial Archives Advisory Committee

Type of Rule: _____ Legislative _____ Interpretive XX _____ Procedural

Agency: Division of Culture & History

Address: Patricia K. Pleska, Manager, Veterans Memorial Archives

Division of Culture & History- The Cultural Center

1900 Kanawha Blvd. East
Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$0	\$0	\$0	\$0	\$0
PERSONAL SERVICES	\$0	\$0	\$0	\$0	\$0
CURRENT EXPENSE	\$0	\$0	\$0	\$0	\$0
REPAIRS & ALTERATIONS	\$0	\$0	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0	\$0	\$0
OTHER	\$0	\$0	\$0	\$0	\$0

2. Explanation of Above Estimates:

There is no current provision for an advisory committee, and the proposed rule does not include any provisions that will require any money from any source.

3. Objectives of These Rules:

Establish an advisory committee to assist in policy development.

Rule Title: Veterans Memorial Archives Advisory Committee

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None

C. Economic Impact on Citizens/Public at Large.

None

Date: 12 July 2004

Signature of Agency Head or Authorized Representative:

Frederic H. Armstrong

FILED

**TITLE 82
PROCEDURAL RULE
CULTURE AND HISTORY**

2004 JUL 12 P 2:34

**SERIES 9
VETERANS MEMORIAL ARCHIVES ADVISORY COMMITTEE**

WEST VIRGINIA
SECRETARY OF STATE**§82-9-1. General.**

1.1. Scope. -- These procedural rules set forth establishment of a Veterans Memorial Archives Advisory Committee to assist in providing for the adoption of equitable policies regarding additions and changes to the names placed on the West Virginia Veterans Memorial and inclusion of information in the Veterans Memorial Archives.

1.2. Authority. -- W. Va. Code §29-1-1, §29A-1-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

§82-9-2. Establishment, Membership, Chairman.

2.1. There is hereby established a Veterans Memorial Archives Advisory Committee (Committee). The Committee shall be composed of ten persons. The following persons shall serve as *ex-officio* voting members of the Committee:

1. The Manager of the Veterans Memorial Archives, or his designee.
2. The Director of the Division of Veterans Affairs, or his designee.
3. The Chairman of the Committee on the Military of the Senate, or his designee.
4. The Chairman of the Committee on Veterans Affairs of the House of Delegates, or his designee.

The following members of the Committee shall be appointed by the Director of Archives and History, to serve at his will and pleasure:

1. One honorably discharged veteran of World War II.
2. One honorably discharged veteran of the Korean Conflict.
3. One honorably discharged veteran of the Vietnam era.
4. One honorably discharged veteran of the Armed Forces of the United States who served in the period following the Vietnam era.
5. One citizen member of the Archives and History Commission who is not a veteran of the Armed Forces of the United States, to represent the public-at-large.

The Director of the Archives and History Section of the Division of Culture and History shall be *an ex-officio*, non-voting member of the Committee.

2.2. The Chairman of the Committee shall be designated by the Director of Archives and History.

2.3. The appointed members of the Committee shall serve on a voluntary basis and shall not receive compensation.

§82-9-3. Meetings.

The Committee shall meet at the call of the Director of Archives and History, or the Manager of the Veterans Memorial Archives, at such time and place as he shall determine.

§82-9-4. Duties.

4.1. The duties of the Committee shall be to advise the Manager of the Veterans Memorial Archives and the Director of Archives and History regarding the conduct and management of the West Virginia Veterans Memorial and the Veterans Memorial Archives.

4.2. The Committee shall advise on the following subjects regarding eligibility for inclusion of names on the West Virginia Veterans Memorial and information in the Veterans Memorial Archives:

1. Policy regarding inclusion of West Virginian's who served in foreign service and died during recognized period of hostile action.
2. Policy regarding inclusion of those who died in a period of recognized conflict but did not die as a result of hostile action and/or in a recognized hostile action theater.
3. Policy regarding length of residency in West Virginia.

4.3. The Committee shall also advise regarding making changes on names already inscribed on the Memorial, and on any other subject presented to it relevant to the West Virginia Veterans Memorial or the Veterans Memorial Archives.

§82-9-5. Changes to Memorial.

No changes, additions, etc. to the names on the West Virginia Veterans Memorial may take place without the prior approval of the Committee. No substantial physical changes to the West Virginia Veterans Memorial may take place without the prior approval of the Committee and the Capitol Building Commission.

Relevant Federal Statutes to Proposed Rule

Agency: Division of Culture & History

Rule Title: Veterans Memorial Archives Advisory Committee

Relevant Federal Statutes & Regulations:

There are no federal statutes and/or regulations affecting this rule.