

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

Form #5

Do Not Mark In This Box

**FILED**  
2004 AUG 23 A 9 30  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Division of Culture & History TITLE NUMBER: 82

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

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

\_\_\_\_\_

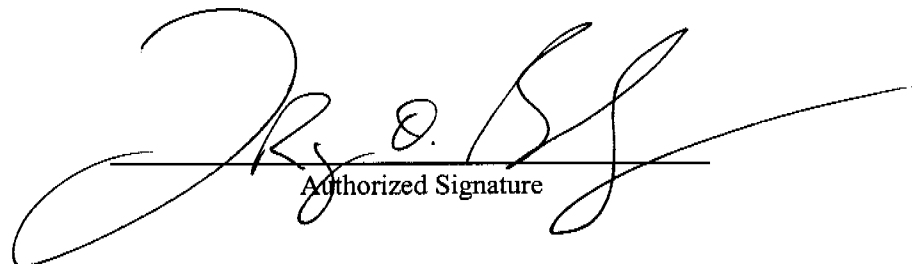
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Veterans Memorial Archives Advisory Committee

\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS Sept. 23, 2004

  
Authorized Signature



West Virginia Capitol Building Commission

Office of the Vice-Chairman

2 West Greene Dr.

Morgantown, WV 26508

(304) 598-9226

cnproudf@yahoo.com

August 4, 2004

06 AUG 2004

Mrs. Patricia K. Pleska  
Manager, Veterans Memorial Archives  
The Cultural Center  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Re: Official Comment on Proposed Procedural Rule

Dear Mrs. Pleska:

Under the terms of the State Administrative Procedures Act, I wish to submit this official comment on proposed procedural rule 82-9 (Veterans Memorial Archives Advisory Committee), as a citizen of the State of West Virginia and as the Vice-Chairman of the Capitol Building Commission.

After reviewing the proposed rule, I find it to be a very well planned solution to a situation which is currently not dealt with under our laws or under any legislative rules. The rule that you have submitted establishes a thorough procedure for public involvement regarding changes to the Veterans Memorial and the Veterans Memorial Archives without trying to exert any sort of unnecessary sovereignty over the physical structure. Great care has been taken to involve citizens and officials from every section of the population effected by these changes. You have also taken care to include a provision which conforms to the law and rules of the Capitol Building Commission by requiring the Commission's approval of any substantial physical changes to the memorial.

In my opinion, the rule has been well planned, well written, and I would recommend no modifications before it is promulgated at the conclusion of the public comment period.

Also, once the rule goes into effect, it is unclear under the laws and rules of the Capitol Building Commission whether the addition of names to the Memorial constitutes a "substantial physical change" that would require the Commission's approval. However, let me say that your office and the VMAAC may want to seek CBC approval, just so that it is a question that will not have to come up at a later time. When that time comes, I will personally move for the approval of the addition of names to the memorial and for any other necessary physical changes that may be required.

Thank you for giving me the opportunity to submit this comment. With kindest regards, I am...

Sincerely yours,

Commissioner Chad N. Proudfoot  
Vice-Chairman, Capitol Building Commission



WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY

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EEO/AA Employer

20 August 2004

Mr. Chad N. Proudfoot  
2 West Greene Street  
Morgantown, WV 26508

Dear Mr. Proudfoot,

On behalf of the West Virginia Veterans Memorial Archives we thank you for having the interest and taking the time to submit a letter commenting on the draft Procedural Rule for Culture and History (Title 82. Series 9 Veterans Memorial Archives Advisory Committee). Your support of this approach to involving interested citizen participation in the process of finalizing the criteria and elements for placing additional names, and possibly revising some existing names etched into the walls of the Memorial, is much appreciated. As it appears this proposed rule has received no criticism, we look forward to moving this important element of the project forward.

We again express our appreciation for your comments of support for the Procedural Rule creating and directing the functions of the Veterans Memorial Archives Advisory Committee.

Sincerely,

Fredrick H. Armstrong, Director  
Archives & History

cc: Secretary of State's Office  
Title 82. Series 9  
Procedural Rule File

Ms. Patricia K. Pleska  
Manager, VMA

Fredrick H. Armstrong, Director  
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82CSR9

FILED

2004 AUG 23 A 9 30

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

TITLE 82  
PROCEDURAL RULE  
CULTURE AND HISTORY

SERIES 9  
VETERANS MEMORIAL ARCHIVES ADVISORY COMMITTEE

**§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. -- August 18, 2004

1.4. Effective Date. -- August 23, 2004

**§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/her designee.
2. The Director of the Division of Veterans Affairs, or his/her designee.
3. The Chairman of the Committee on the Military of the Senate, or his/her designee.
4. The Chairman of the Committee on Veterans Affairs of the House of Delegates, or his/her designee.

The following members of the Committee shall be appointed by the Director of Archives and History, to serve at his/her 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/she 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 Virginians 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.

# Veterans Memorial Archives Advisory Committee

## Timeline for Establishment

May-July, 2004	Official Recognition of need for Committee
July 6, 2004	Draft Rules Written
July 9, 2004	Modifications by Director of Archives & History
July 9, 2004	Approval by Director of Archives & History
July 9, 2004	Approval by Acting Commissioner of Culture & History
July 9, 2004	Transmittal to Secretary of Education & the Arts
July 12, 2004	Approval by Secretary of Education & the Arts
July 12, 2004	Filing with Secretary of State
July 12-Aug. 13, 2004	Public Comment Period
July 12-Aug. 13, 2004	Proposed Committee Members Contacted for Approval
August 13, 2004 (4:00 PM)	Public Comment Period Ends
August 13, 2004 (4:30 PM)	Final Filing with Secretary of State (with Comment Report)
August 15, 2004	Rule Takes Effect
August 15, 2004	Director of A&H Appoints Committee Members
Late Aug. – Sept., 2004	Organizational Meeting of Committee