



FILED

WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

2003 JAN -8 A 10: 34

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January 08, 2003

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Tim McNeely  
Development Office, WV  
Capitol Complex  
Building 6, Room 525

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Community Development Assessment and Real Property Valuation Procedures for Office of Coalfield Development, 145CSR8**

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

1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
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. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

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**Agency:** West Virginia Development Office

2002 DEC 31 A 9:11

**Subject:** Community Development Assessment and Real Property Valuation Procedures for Office of Coalfield Development  
145CSR8.

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

PERTINENT DATES

Filed for public comment: June 12, 2002

Public comment period ended: July 13, 2002

Filed following public comment period: July 29, 2002

Filed LRMRC: July 29, 2002

Filed as emergency: N/A

Fiscal Impact: None

ABSTRACT

Brief Summary

- This proposed amendment removes the requirements for the Office of Coalfield Community Development (OCCD) to develop coalfield community development statements. The OCCD is committed to identifying land and infrastructure that can be developed for inclusion into Master Land Use Plans prepared by county development and redevelopment authorities. The 2002 amendments to the Act were substantial and directly effect the continuity of the legislation. Whereas prior to the 2002 amendments, the legislation did not concur with similar legislation as outlined in SB603. The 2002 amendments make the Office of Coalfield Community Development consistent with SB603 with regards to Land Use Master Planning.

Section Summary

The following is a synopsis of the substantive amendments.

Section 2 defines terms.

- This section amends and defines various terms necessary for this rule.

**Section 4 relates to Community Impact Statement.**

- For permits granted after June 11, 1999, community impact statements shall be filed by the operator within 90 days after the permit application is deemed administratively complete and within 90 days after the first five year incremental renewal date for all permits issued prior to June 11, 1999.

**Section 5 relates to Coalfield Community Development Procedures.**

- This section removes the requirement for the development of a coalfield community development statement.

**Section 6 relates to Master Land Use Plan.**

- Requires the development of a master land use plan by the development authority, with the optional assistance of the office.
- The amendment requires that the development authority determine land and infrastructure needs within its jurisdiction as necessary in accordance with its preparation of a master use plan.
- The amendment requires that the "infrastructure component standards" developed must be approved by the appropriate county commission(s).
- The amendment sets forth various requirements for the master land use plan.
- The amendment states that before the master land use plan may be implemented, it must be approved by the department as part of the operator's reclamation plan.

Statutory authority: W. Va. Code, §5B-2A-12; which provides in part, as follows:

(a) The office shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to establish, implement and enforce the provisions of this article...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes

VIII. OTHER

Technical Changes