

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Sunday, July 11, 1999**  
**12:00 p.m. - 2:00 p.m.**  
**Senate Finance Committee Room M-451**

1. **Approval of Minutes - Meeting of April 18, 1999.**
2. **Review of Legislative Rules:**
  - a. **Division of Highways**  
*Traffic and Safety Rule, 157CSR5*
  - b. **WV Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board**  
*WV Traumatic Brain and spinal Cord Injury Rehabilitation Fund Board, 197CSR1*
  - c. **Division of Natural Resources**  
*Lifetime Hunting, Trapping and Fishing Licenses, 58CSR67*
  - d. **Department of Agriculture**  
*Marketing of Eggs Regulations, 61CSR7A*
  - e. **Insurance Commissioner**  
*Medicare Supplement Insurance, 114CSR24*
  - f. **Board of Risk and Insurance Management**  
*Rules Governing the Filing of Written Notification concerning Incidents Which Could Potentially Result in Liability to the West Virginia Board of Risk and Insurance Management, 115CSR5*
  - g. **Office of Air Quality**  
*Air Pollutant Emissions Banking and Trading, 45CSR28*
  - h. **Racing Commission**  
*Pari-Mutuel Wagering, 178CSR5*
  - i. **Racing Commission**  
*Thoroughbred Racing, 178CSR1*
  - j. **Racing Commission**  
*Greyhound Racing, 178CSR2*

3. **Other Business**

a. **Division of Highways**

*Construction and Reconstruction of State Roads, 157CSR3*

b. **Division of Highways**

*Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*

July 11, 1999

12:00 p.m. - 2:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice Chairman     Absent  
Schoonover                     Absent  
Snyder  
Unger  
Minear

Hunt, Chairman  
Linch, Vice Chairman  
Compton  
Jenkins  
Faircloth  
Riggs

The meeting was called to order by Mr. Hunt, Co-Chairman.

The minutes of the April 18, 1999, meeting were approved.

Mr. Hunt told the Committee that Karen Watson, Counsel for the Office of Air Quality, would update the Committee on the rule proposed by the *Office of Air Quality-Air Pollutant Emissions Banking and Trading, 45CSR28*. She explained the program and the conflicts between the Environmental Protection Agency's directives and the state statute. She also stated that the Office of Air Quality needs more time to study the proposed rule.

Mr. Ross moved that the proposed rule be put on next month's agenda. The motion was adopted.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the *West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board-West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board, 197CSR1* and stated that the Board has agreed to technical modifications. She and Penny Hall, Division of Rehabilitation Services and Board member, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Division of Natural Resources-Lifetime Hunting, Trapping and Fishing Licenses, 58CSR67*, and responded to questions. She stated that the Division has agreed to technical modifications.

Mr. Ross requested that Counsel research whether or not parents may hunt, trap or fish on lands owned by their children without a license.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Department of Agriculture-Marketing of Eggs Regulations, 61CSR7A*. She and Charles Dransfield, Compliance Officer for the Department of Agriculture, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved. The motion was adopted.

Rita Pauley, Associate Counsel, explained the rule proposed by the *Insurance Commissioner-Medicare Supplement Insurance, 114CSR24*.

Mr. Ross moved that the proposed rule be approved. The motion was adopted.

Ms. Pauley reviewed her abstract on the rule proposed by the *Board of Risk and Insurance Management-Rules Governing the Filing of Written Notification Concerning Incidents Which Could Potentially Result in Liability to the West Virginia Board of Risk and Insurance Management, 115CSR5*, and stated that the Board has agreed to technical modifications. She and Charles Jones, Director of the Board, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Hunt removed from the agenda the rule proposed by the *Division of Highways-Traffic and Safety Rule, 157CSR5*.

Ms. Graham explained the rule proposed by the *Racing Commission-Pari-Mutuel Wagering, 178CSR5*, and stated that the Commission has agreed to technical modifications. She and Lois Graham, Executive Secretary for the Commission, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Racing Commission-Thoroughbred Racing, 178CSR1*, and stated that the Commission has agreed to technical modifications. Lois Graham responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Racing Commission-Greyhound Racing, 178CSR2*, and responded to questions. She stated that the Commission has agreed to technical modifications.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Ross moved that Ms. Graham analyze the two emergency rules filed by the *West Virginia Health Care Authority-Certificate of Need Rule, 65CSR7* and *Health Services Offered*

*by Health Professionals, 65CSR17*, and advise the Committee on her findings. After further discussion, Mr. Ross asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Ross moved that the Committee hold another meeting on this issue within the next two days. The motion was adopted.

Ms. Pauley explained that the rule proposed by the *Division of Highways-Construction and Reconstruction of State Roads, 157CSR3*, had been approved as modified at the last Committee meeting and that since that meeting, the Division has proposed additional modifications to the proposed rule.

Having voted on the prevailing side, Mr. Ross moved that the Committee reconsider its action whereby it approved the proposed rule as modified. The motion was adopted.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Pauley explained that the rule proposed by the *Division of Highways-Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*, had been approved as modified at the last Committee meeting and that since that meeting, the Division has proposed additional modifications to the proposed rule.

Having voted on the prevailing side, Mr. Ross moved that the Committee reconsider its action whereby it approved the proposed rule as modified. The motion was adopted.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

**JULY INTERIM SCHEDULE**  
**Legislative Interim Meetings**  
**July 11, 12, and 13, 1999**

*Jeri Anderson*

**Sunday, July 11, 1999**

12:00 - 2:00 p.m.

**Legislative Rule-Making Review Committee**  
**(Code §29A-3-10)**

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

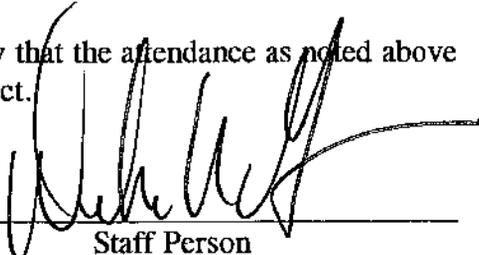
**Senate**

Ross, Chair   
Anderson, Vice Chair   
Schoonover   
Snyder   
Unger   
Minear

**House**

Hunt, Chair   
Linch, Vice Chair   
Compton   
Jenkins   
Faircloth   
Riggs

I certify that the attendance as noted above  
is correct.

  
\_\_\_\_\_  
Staff Person

Debra

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making  
*Please print or write plainly.*

Date 7-11-99

NAME & title	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.

Meeting: July 11, 1999  
12:00 pm - 2:00 pm

minutes approved - April 18, 1999

Office of Air Quality - Air Pollutant

Karen Watson, OAQ - Explained background of the proposed rule; akin to acid rain program; need more time to study the proposed rule; outright conflicts between EPA directives & statute → may req statute and rule to be amended. Responded to questions.

Ross

adopted

Put on next mos agenda

WV Traumatic Brain/Spinal Cord Injury

Penny Hall, Dir of Rehab Services & Board Member

Approve as mod

Ross

adopted

Charles Dransfield compliance officer

DNR - Life-time hunting

I responded to q's  
look at statute → <sup>out of state</sup> parent allowed to hunt on child's  
instate - res w/o license

DOA - Making of Eggs

I responded to questions  
Charles Dransfield - Compliance Officer, DOA responded to questions

Ross  
adopted

Approve ~~rule~~

Insurance Commissioner - Medicare

Rita explained

Approve rule

Ross  
adopted

Bd of Risk & Ins Mgt - Notification

Rita explained & responded to questions

Charles Jones, Director of the Bd asked questions

Approve as mod

Ross  
adopted

Chairman removed De of Highways

Racing Commission  
Exec Sec

Lois Graham responded to questions

Approve as mod

Ross  
adopted

Racing Commission - Thoroughbred racing

Lois Graham responded to questions

Ross  
adopted Approve as mod

Racing Commission - Greyhound

I responded to questions

Ross  
Approved

withdraw Ross - counsel analyze the two rules and advise Co-chair  
on emog → CC Committee members

Ross - have another meeting on this issue during next  
2 days. Hope Assn HCA

Other business

Ross  
Reconsider Highways - Construction  
Adopted

Ross  
adopted Approve as mod

Highways - Trans

Ross  
adopted Reconsider

Ross  
adopted Approve as mod

## SPECIAL MEETING

The Legislative Rule-Making  
Review Committee  
will meet on  
Monday, July 12, 1998,  
Beginning at Noon  
in the  
Senate Finance Room M-451

July 12, 1999

12:00 p.m. - 1:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman		Hunt, Chairman	Absent
Anderson, Vice Chairman	Absent	Linch, Vice Chairman	Absent
Schoonover	Absent	Compton	
Snyder		Jenkins	
Unger		Faircloth	
Minear		Riggs	Absent

The meeting was called to order by Mr. Ross, Co-Chairman.

Debra Graham, Committee Counsel, explained the two emergency rules filed by the *West Virginia Health Care Authority-Certificate of Need Rule, 65CSR7* and *Health Services Offered by Health Professionals, 65CSR17*, and responded to questions.

Marianne Stonestreet, Counsel for the Health Care Authority; Steven Summer, President of the Hospital Association; Jim Thomas, Counsel for the Hospital Association with the Law Firm of Jackson and Kelly and Nancy Tonkin, representing the West Virginia Medical Association, addressed the Committee and responded to questions.

The meeting was adjourned.