

SEPTEMBER



Sunday, September 10, 2000

Public Hearing

11:00 a.m. - Noon

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		Linch, Vice Chairman	
Minard		Compton	Absent
Snyder	Absent	Jenkins	Absent
Unger		Faircloth	
Minear		Riggs	Absent

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

The following persons spoke in favor of the rule proposed by the *Board of Barbers and Cosmetologists-Continuing Competence, 3CSR8*:

Kelly Hodgson, Chairman of the Board;
Larry Absten, Director of the Board; and
Don McCoy, member of the Board.

The following persons spoke against the rule proposed by the *Board of Barbers and Cosmetologists-Continuing Competence, 3CSR8*:

Jerry Scott, barber from Cross Lanes;
Stephanie Matheny, barber from Big Chimney;
Cheryl Greathouse, cosmetologist from Ravenswood;
Diane McIntosh, cosmetologist from Ravenswood; and
Lisa Newell, cosmetologist from Ravenswood.

The meeting was adjourned.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, September 11, 2000
Noon to 2:00 p.m.
Senate Judiciary Committee Room, W-208

1. **Approval of Minutes - August 21, 2000.**
2. **Review of Legislative Rules:**
 - a. **Board of Barbers and Cosmetologists**
Continuing Competence, 3CSR8
 - b. **Secretary of State**
Agencies Designated to Provide Voter Registration Services, 153CSR28
 - c. **Division of Motor Vehicles**
Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders, License Services, Automobile Auctions, Vehicle Leasing Companies, Daily Passenger Vehicle Rental Car Businesses, 91CSR6
 - d. **Division of Motor Vehicles**
Examination and Issuance of Driver's Licenses, 91CSR4
 - e. **Division of Motor Vehicles**
Denial, Suspension, Revocation or Nonrenewal of Driving Privileges, 91CSR5
 - f. **Tax Commissioner**
Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4
 - g. **Tax Commissioner**
Valuation of Public Utility Property for Ad Valorem Property Tax Purposes, 110CSR1M
 - h. **Tax Commissioner**
Cigarette Excise Tax, 110CSR17

- i. **Tax Commissioner**
Exchange of Information Agreement Between the State Tax Division and the Alcohol Beverage Control Administration, 110CSR50B

- j. **Tax Commissioner**
Information Return Required for Analysis of Recommendations of Governor's Commission on Fair Taxation, 110CSR10A

- k. **Office of the State Auditor**
Purchasing Card Program, 148CSR7

- l. **Office of the State Auditor**
Transaction Fee and Rate Structure, 155CSR4

- m. **Department of Agriculture**
Fee Structure for the Pesticide Control Act of 1990, 61CSR12

3. **Other Business**

Monday, September 11, 2000

12 - 2 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
Minard
Snyder
Unger
Minear

Hunt, Chairman
Linch, Vice Chairman
Compton
Jenkins
Faircloth
Riggs

Absent
Absent
Absent

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

The minutes of the August 21, 2000, meeting were approved.

Mr. Ross moved that the rules proposed by the *Board of Barbers and Cosmetologists-Continuing Competence, 3CSR8*, and the *Tax Commissioner-Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4*, be moved to the foot of the agenda. The motion was adopted.

Debra Graham, Committee Counsel, explained the rule proposed by the *Secretary of State-Agencies Designated to Provide Voter Registration Services, 153CSR28*, and responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Motor Vehicles-Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders, License Services, Automobile Auctions, Vehicle Leasing Companies, Daily Passenger Vehicle Rental Car Businesses, 91CSR6*, stated that the Division has agreed to technical modifications and responded to questions. Steve Dale, Assistant to the Commissioner, and John Hodges, from Enterprise Rent-A-Car, 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 Motor Vehicles-Examination and Issuance of Driver's Licenses, 91CSR4*, and stated that the Division has agreed to technical modifications.

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 *Division of Motor Vehicles-Denial, Suspension, Revocation or Nonrenewal of Driving Privileges, 91CSR5*, stated that the Division has agreed to technical modifications and responded to questions. Mr. Dale and Adam Holley, attorney for the Division, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be laid over until the Committee's October meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the *Office of the State Auditor-Purchasing Card Program, 148CSR7*, and stated that the Office of the State Auditor has agreed to technical modifications.

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 *Office of the State Auditor-Transaction Fee and Rate Structure, 155CSR4*.

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

Ms. Graham explained the rule proposed by the *Department of Agriculture-Fee Structure for the Pesticide Control Act of 1990, 61CSR12*, and stated that the Department has agreed to technical modifications. David Miller, Deputy Commissioner, Robert Frame, Assistant Director, and Les, Shoemaker, representing the West Virginia Farm Bureau, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Tax Commissioner-Valuation of Public Utility Property for Ad Valorem Property Tax Purposes, 110CSR1M*. Jerry Knight, Director of the Property Tax Division, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *Tax Commissioner-Cigarette Excise Tax, 110CSR17*, and stated that the Commission has agreed to technical modifications. John Hodges 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 *Tax Commissioner-Exchange of Information Agreement Between the State Tax Division and the Alcohol Beverage Control Administration, 110CSR50*, and stated that the Commission has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Tax Commissioner-Information Return Required for Analysis of Recommendations of Governor's Commission on Fair Taxation, 110CSR10A*, and stated that the Commission has agreed to technical modifications.

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

The meeting was adjourned.

SEPTEMBER INTERIM SCHEDULE
Legislative Interim Meetings
September 10, 11 and 12, 2000

Monday, September 11, 2000

12:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

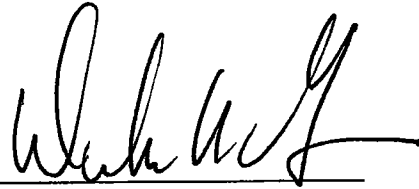
Senate

Ross, Chair
Anderson, Vice Chair
Minard
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

Terri Anderson

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule-Making Review

Date 9-11-00

Please print or write plainly.

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

Monday, September 11, 2000

12:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard ✓
Snyder ✓
Unger ✓
Minear ✓

House

Hunt, Chair ✓
Linch, Vice Chair ✓
Compton _____
Jenkins _____
Faircloth ✓
Riggs _____

minutes Aug 21, 2000

Ross
adopted A & F to part of agenda

Ross
Approved
adopted SOS ~~Agencies Designated~~
I explained E and B q's

DMU - Motor Vehicles

Steve Dale asked questions

I explained and answered questions.

John Hodges, Enterprise Rent-A-Car responded to questions

Ross
adopted Approve as mod

DMU - Drivers Licenses

I explained

Ross
approved Approve as mod

DMU - Denial

I explained & responded to questions

—, Atty DMU responded to questions

Steve Dale, responded to questions

* Call Steve
abt repeal of
other rule
in this
rule

Ross
adopted

Lay out til out

Auditor - Purchasing Card

I explained

Approve as mod. recd

Auditor - Transaction

I explained

Approve

Ross
adopted

Ross
adopted

Agriculture - Pesticide

I explained

Miller and Frame

Approve as mod. recd

Les Shoemaker, Farm Bureau responded to q's

Minard
adopted

Tax - Public Utility

I explained

Jerry Knight, Tax Dept, Prop. Div. responded to q's

Approve

Ross
adopted

Tax - Cigarette

I explained

John Hodges responded to q's

Approve as mod

Ross
adopted

Tax - Exchange

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, September 11, 2000
Noon to 2:00 p.m.
Senate Judiciary Committee Room, W-208

1. Approval of Minutes - August 21, 2000.

2. Review of Legislative Rules:

Foot of agenda ✓

a. Board of Barbers and Cosmetologists
Continuing Competence, 3CSR8 ✗

✓ Approved

b. Secretary of State
Agencies Designated to Provide Voter Registration Services,
153CSR28 ✓

Approved as mod.

c. Division of Motor Vehicles
Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders,
License Services, Automobile Auctions, Vehicle Leasing
Companies, Daily Passenger Vehicle Rental Car Businesses,
91CSR6 ✓

Approved as modified

d. Division of Motor Vehicles
Examination and Issuance of Driver's Licenses, 91CSR4 ✓

lay over

e. Division of Motor Vehicles
Denial, Suspension, Revocation or Nonrenewal of Driving
Privileges, 91CSR5 ✗

Foot of agenda ✓

f. Tax Commissioner
Valuation of Percentage of Completion of Improvements and
Infrastructure Development in a Recorded Plan or Plat,
110CSR4 ✗

Approved

g. Tax Commissioner
Valuation of Public Utility Property for Ad Valorem Property
Tax Purposes, 110CSR1M ✓

Approved as mod.

h. Tax Commissioner
Cigarette Excise Tax, 110CSR17 ✓

Approved
as modified

Tax Commissioner

Exchange of Information Agreement Between the State Tax Division and the Alcohol Beverage Control Administration, 110CSR50B ✓

Approved
as modified

Tax Commissioner

Information Return Required for Analysis of Recommendations of Governor's Commission on Fair Taxation, 110CSR10A ✓

Approved
as modified

Office of the State Auditor

Purchasing Card Program, 148CSR7 ✓

Approved

Office of the State Auditor

Transaction Fee and Rate Structure, 155CSR4 ✓

Approved
as modified

Department of Agriculture

Fee Structure for the Pesticide Control Act of 1990, 61CSR12 ✓

3. Other Business

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, September 12, 2000
11 a.m. to 1 p.m.
Senate Judiciary Committee Room, W-208

1. **Review of Legislative Rules:**

- a. **Board of Barbers and Cosmetologists**
Continuing Competence, 3CSR8
- b. **Tax Commissioner**
Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4
- c. **Board of Osteopathy**
Licensing Procedures, Osteopathic Physicians, 24CSR1
- d. **Board of Dietitians**
Licensure and Renewal Requirements, 31CSR1
- e. **Board of Dietitians**
Code of Professional Ethics, 31CSR2
- f. **Racing Commission**
Thoroughbred Racing, 178CSR1
- g. **Department of Agriculture**
Sale and Distribution of Commercial Fertilizer, 61CSR6
- h. **Board of Optometry**
Rules of the West Virginia Board of Optometry, 14CSR1
- i. **Division of Natural Resources**
Special Fishing Rule, 58CSR61
- j. **Board of Hearing Aid Dealers**
Regulations Governing the West Virginia Board of Hearing Aid Dealers, 8CSR1
- k. **West Virginia Board of Examiners in Counseling**
Licensing Rule, 27CSR1

- l. **West Virginia Board of Examiners in Counseling**
Fees, 27CSR2
- m. **West Virginia Board of Examiners in Counseling**
License Renewal and Continuing Professional Education
Requirements, 27CSR3
- n. **West Virginia Board of Examiners in Counseling**
Restricted Practice Licensure for Addictions Counselors,
27CSR4

2. **Other Business**

Tuesday, September 12, 2000

11a.m. - 1 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
Minard
Snyder
Unger
Minear

Hunt, Chairman
Linch, Vice Chairman
Compton Absent
Jenkins Absent
Faircloth
Riggs Absent

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

Mr. Hunt moved that the rules proposed by the *Board of Barbers and Cosmetologists-Continuing Competence, 3CSR8*, and the *Tax Commissioner-Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4*, be moved to the foot of the agenda. The motion was adopted.

Debra Graham, Committee Counsel, explained the rule proposed by the *Board of Osteopath-Licensing Procedures, Osteopathic Physicians, 24CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Board of Dietitians-Licensure and Renewal Requirements, 31CSR1*, and stated that the Board has agreed to technical modifications and responded to questions. Helen Lodge, Chairman of the Board, responded to questions from the Committee.

Mr. Hunt moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the *Board of Dietitians-Code of Professional Ethics, 31CSR2*, and stated that the Board has agreed to technical modifications.

Mr. Hunt moved that the proposed rule be approved as modified. The motions was adopted.

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

Mr. Faircloth moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the *Department of Agriculture-Sale and Distribution of Commercial Fertilizer, 61CSR6*, stated that the Department has agreed to technical modifications and responded to questions. Dave Miller, Deputy Commissioner, and Chuck Dransfield, Program Manager/Compliance Officer for the Office of Regulatory Protection, responded to questions from the Committee.

Mr. Anderson moved that section 3.5 of the proposed rule be modified by increasing the \$10 penalty to \$100. The motion was adopted.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Board of Optometry-Rules of the West Virginia Board of Optometry, 14CSR1*, and stated that the Board has agreed to technical modifications.

Mr. Hunt 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-Special Fishing Rule, 58CSR61*, and stated that the Division has agreed to technical modifications. Gordon Robertson, Deputy Chief of Wildlife Resource, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Board of Hearing Aid Dealers-Regulations Governing the West Virginia Board of Hearing Aid Dealer, 8CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *West Virginia Board of Examiners in Counseling-Licensing Rule, 27CSR1*, and stated that the Board has agreed to technical modifications. She and Jean Ann Johnson, Executive Secretary for the Board, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Board of Examiners in Counseling-Fees, 27CSR2*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *West Virginia Board of Examiners in Counseling-License Renewal and Continuing Professional Education Requirements, 27CSR3*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Board of Examiners in Counseling-Restricted Practice Licensure for Addictions Counselors, 27CSR4*, and stated that the Board has agreed to technical modifications.

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

The meeting was adjourned.

SEPTEMBER INTERIM SCHEDULE
Legislative Interim Meetings
September 10, 11 and 12, 2000

Tuesday, September 12, 2000

11:00 - 1:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair
Anderson, Vice Chair
Minard
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

Terri Anderson

Tuesday, September 12, 2000

11:00 - 1:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard ✓
Snyder ✓
Unger ✓
Minear ✓

House

Hunt, Chair ✓
Linch, Vice Chair ✓
Compton ✓
Jenkins ✓
Faircloth ✓
Riggs ✓

Hunt adopted Babers & Cosmetologists & Tax → foot of the agenda

WU Bd of Osteopathy

Hunt adopted Approve w/ med

Dietitians - Licensure

Helen Lodge - Chairman of the Bd

Hunt adopted Lay over til next meeting

Dietitians - Code

Hunt adopted Approve w/ med

Racing Commission

Check definition re current legislation - "Accredited thoroughbred ^{horse}

Hinda Haay, Racing Commission -

Faircloth adopted Lay over til Oct

Dept of Agriculture - Fertilizer

Dave Miller responded to questions

Chuck Dransfield " " "

Anderson
adopted

Modify 3.5 to increase \$10 penalty fee to \$100.

Hunt
adopted

Approve as mod.

Hunt
adopted

Bd of Optometry

Approve as mod

Hunt
adopted

DNR - Special Fishing

[Approve as modified

Gordon Robertson responded to q's

Hunt
Adopted

Hearing Bid

Approve as mod

Minard
adopted

Counseling - Licensing

Jane Anne Johnson responded to questions

Approve as mod

Hunt

Counseling - Fees

Approve as mod

Hunt
adopted

Counseling - Renewal

Approve as mod

204

Hunt
adopted

Counseling - Additions Counselors

Approve as mod

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, September 12, 2000
11 a.m. to 1 p.m.
Senate Judiciary Committee Room, W-208

1. Review of Legislative Rules:

Foot of a.
the agenda

Board of Barbers and Cosmetologists
Continuing Competence, 3CSR8

Foot of b.
the agenda

Tax Commissioner
Valuation of Percentage of Completion of Improvements and
Infrastructure Development in a Recorded Plan or Plat,
110CSR4

Approved c.
as modified
hand over

Board of Osteopathy
Licensing Procedures, Osteopathic Physicians, 24CSR1

Approved d.
as modified

Board of Dietitians
Licensure and Renewal Requirements, 31CSR1

Hand over e.

Board of Dietitians
Code of Professional Ethics, 31CSR2

Approved f.
as modified

Racing Commission
Thoroughbred Racing, 178CSR1

Approved g.
as modified

Department of Agriculture
Sale and Distribution of Commercial Fertilizer, 61CSR6

Approved h.
as modified

Board of Optometry
Rules of the West Virginia Board of Optometry, 14CSR1

Approved i.
as modified

Division of Natural Resources
Special Fishing Rule, 58CSR61

Approved j.
as modified

Board of Hearing Aid Dealers
Regulations Governing the West Virginia Board of Hearing
Aid Dealers, 8CSR1

Approve k.
as modified

West Virginia Board of Examiners in Counseling
Licensing Rule, 27CSR1

West Virginia Board of Examiners in Counseling
Fees, 27CSR2

West Virginia Board of Examiners in Counseling
License Renewal and Continuing Professional Education
Requirements, 27CSR3

West Virginia Board of Examiners in Counseling
Restricted Practice Licensure for Addictions Counselors,
27CSR4

2. Other Business

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule-Making

Date 9-12-00

Please print or write plainly.

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