

Monday, December 10, 2012

9:00 a.m. to 11:00 a.m.

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

Earl Ray Tomblin  
ex officio nonvoting member

Richard Thompson  
ex officio nonvoting member

**Senate**

**House**

Minard, Chairman  
Snyder, Vice Chair  
Laird Absent  
Unger Absent  
Boley  
Facemyer Absent

Poore, Chairman  
Poling, Vice Chair  
Fleischauer  
Talbott  
Overington  
Sobonya

The meeting was called to order by Delegate Poore, Chair.

Senator Snyder moved that the minutes of the November 26 & 28, 2012, meeting be approved. The motion was adopted.

Delegate Poore moved items b., c. and d. to the foot of the agenda.

Kevin Baker, Associate Counsel, reviewed his abstract on the rule proposed by the **Real Estate Appraiser Licensing and Certification Board, Requirements for Licensure, 190CSR2**, stated that the Agency has agreed to technical modifications and advised the Committee of the reconsideration.

Senator Snyder moved that the proposed rule be approved as modified. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Department of Administration - Design Build Board, Rules for Selecting Design-Builds Under the Design-Build Procurement Act, 148CSR11**, and stated that the Agency has agreed to technical modifications.

Handout distributed by the Department of Administration (Donna Lipscomb).

Senator Synder moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Skinner reviewed his abstract on the rule proposed by the **Department of Administration, State Owned Vehicles, 148CSR3**, and stated that the Agency has agreed to technical modifications.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **Division of Water and Waste Management - (DEP), Covered Electronic Devices Recycling Rule, 33CSR12**, and stated that the Agency has agreed to technical modifications

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Lazell reviewed his abstract on the rule proposed by the **Division of Water and Waste Management - (DEP), Hazardous Waste Administrative Proceedings and Civil Penalty Assessment, 33CSR27**, and responded to questions from the Committee.

Kristin Boggs, General Counsel for DEP, responded to questions from the Committee.

Delegate Poling moved that the proposed rule be approved. The motion was adopted.

Mr. Lazell explained his abstract on the rule proposed by the **Division of Water and Waste Management - (DEP), Water Pollution Control Permit Fee Schedules, 47CSR26**, and responded to questions from the Committee.

Kristin Boggs, General Counsel for DEP, responded to questions from the Committee.

Delegate Poling moved that the proposed rule be approved. The motion was adopted.

Mr. Skinner reviewed his abstract on the rule proposed by the **WV Board of Miner Training, Education and Certification, Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Ted Hapney with UMWA addressed the Committee.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Baker explained his abstract on the rule proposed by the **Division of Motor Vehicles, Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals, and Reinstatement of Motor Vehicle Operating Privileges, 91CSR5**, and stated that the Agency has agreed to technical modifications.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Baker reviewed his abstract on the rule proposed by the **State Conservation Committee, Operations of West Virginia State Conservation Committee and Conservation Districts, 63CSR1**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Senior Services 76CSR2 and Optometry 14CSR5 moved to the foot of the agenda.

Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **WV Board of Optometry, Expanded Therapeutic Procedures Certificate, 14CSR12**, and responded to questions from the Committee.

Handout distributed ~ Delegate Fleischauer's strike and insert amendment.

Delegate Fleischauer moved a strike and insert amendment.

Mr. Roskovensky explained the amendment offered by Delegate Fleischauer.

Michele Grinsberg, WV Academy of Eye Physicians and Surgeons, addressed the Committee, distributed a handout and responded to questions from the Committee.

Ryan White, Counsel for the WV Optometry Association, addressed the Committee and responded to questions from the Committee.

Senator Snyder moved to amend the amendment.

Mr. Roskovensky explained both amendments.

Senator Snyder moved to withdraw his amendment.

Delegate Fleischauer's motion to amend was adopted.

Fleischauer moved the proposed rule and amended. The motion was adopted.

Senator Snyder moved to adjourn the meeting. The motion was adopted.