

Tuesday August 20, 2013

Senate Judiciary Committee Room

3:00 p.m. to 4:00 p.m.

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

Jeffery V. Kessler  
ex officio nonvoting member

Tim Miley  
ex officio nonvoting member

**Senate**

**House**

Snyder, Chairman	Present	Poore, Chairman	Present
Laird	Present	Marcum, Vice Chairman	Present
Miller	Present	Eldridge	Present
Unger	Present	Fleischauer	Present
Boley	Present	Frich	Present
Hall, M.	Present	Sobonya	Present

The Legislative Rule-Making Review Committee, met in the Senate Judiciary Committee Room at 3:00 p.m. on Tuesday, August 20, 2013. The meeting was called to order by Senator Snyder, and a silent roll call was taken, as reflected above.

Delegate Marcum moved the approval of the minutes of the January 9, 2013 and July 23, 2013, meetings. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **State Board of Examiners for Licensed Practical Nurses, Policies Regulating Licensure of the Licensed Practical Nurse, 10CSR2** and responded to questions from the Committee. Ms. Stewart stated that the Board has agreed to technical modifications.

Delegate Fleischauer moved to lay the rule over. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **State Board of Examiners for Licensed Practical Nurses, Continuing Competence, 10CSR6**. Ms. Stewart stated that the Board has agreed to technical modifications.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Health Care Authority/Health Information Network, West Virginia Health Information Network Rule, 65CSR28** and responded to questions from the Committee. Mr. Johnson stated that the agency has agreed to the technical modifications.

Phil Weikle, Chief Operations Officer, Health Information Network, WV DHHR, responded to questions from the Committee.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **WV Bureau of Senior Services, In-Home Care Worker Registry, 76CSR2**.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Special Motorboating Rules, 58CSR27**.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Electronic Registration of Wildlife, 58CSR72** and responded to questions from the Committee. Ms. Graham stated that she had not had a chance to speak to the Division of Natural Resources regarding her technical modifications.

Delegate Poore moved to lay the proposed rule over. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Public Employees Retirement System, 162CSR5** and responded to questions from the Committee. Ms. Graham stated that the Board has agreed to technical modifications.

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Ambient Air Quality Standards, 45CSR8** and responded to questions from the Committee.

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality, 45CSR14** and responded to questions from the Committee. Mr. Lazell stated that the DEP has agreed to the technical modifications.

James Mason, WV DEP - Division of Air Quality, and Kristin Boggs, WV DEP - General Counsel, responded to questions from committee members.

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Standards of Performance for New Stationary Sources, 45CSR16.**

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Control of Air Pollution from Combustion Solid Waste, 45CSR18.**

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Permits for Construction and Major Modifications of Major Stationary Sources Which Cause or Contribute Nonattainment Areas, 45CSR19** and responded to questions from the Committee.

James Mason, WV DEP - Division of Air Quality, responded to questions from the Committee.

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25.**

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

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Air Quality, Emission Standards for Hazardous Air Pollutants, 45CSR34.**

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

There being no further business to come before the Committee, Delegate Poore moved to adjourn. The motion was adopted.