

Tuesday, November 19, 2013

Senate Judiciary Committee  
Room

6:00 p.m. to 7:00 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 |         |
| Miller           | Present | Eldridge              | Present |
| Unger            | Present | Fleischauer           | Present |
| Boley            |         | Frich                 | Present |
| Hall, M.         | Present | Sobonya               | Present |

The Legislative Rule-Making Review Committee, met in the Senate Judiciary Committee Room at 6:00 p.m. on Tuesday, November 19, 2013. The meeting was called to order by Senator Snyder, and a silent roll call was taken, as reflected above.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Mobile Dental Facilities and Portable Dental Units, 5CSR14**. Ms. Stewart stated that the Board has agreed to technical modifications.

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

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Rules for the WV Board of Dental Examiners, 5CSR1**, and responded to questions from the Committee.

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

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Formation and Approval of Professional Limited Liability Companies, 5CSR2**.

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

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Fees Established by the Board, 5CSR3**. Ms. Stewart stated that the Board has agreed to technical modifications.

Delegate Poore moved that the proposed rule be approved

as modified. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Dental Advertising, 5CSR8**.

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

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Administration of Anesthesia by Dentists, 5CSR12**, and responded to questions from the Committee.

Richard Duff Smith, Executive Secretary, Board of Dentistry, responded to questions from the Committee.

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

Jay Lazell, Associate Counsel, having previously explained his abstract on the rule proposed by the **Department of Environmental Protection, Requirements Governing Water Quality Standards, 47CSR2**, responded to questions from the Committee. Mr. Lazell stated that the Department has agreed to technical modifications.

Scott Mandirola, Director, WV DEP Division of Water and Waste Management, and responded to questions from the Committee.

Jason Bostic, Vice President, WV Coal Association, responded to questions from the Committee.

Kevin Coyne, WV DEP Division of Water and Waste Management, Water Quality Standards Program, responded to questions from the Committee.

Don Garvin, Legislative Coordinator, WV Environmental Council, addressed the Committee and responded to questions.

Evan Hansen, President, Downstream Solutions, addressed the Committee, distributed a handout entitled "Comparison of Existing and Proposed Aluminum Criteria", and responded to questions.

Delegate Fleischauer moved to modify the proposed rule on page 37 by removing all underlined language and restoring the stricken language related to aluminum. The motion was rejected.

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

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