

Tuesday September 23, 2013

Senate Judiciary Committee  
Room

5:00 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
Laird	Present
Miller	Present
Unger	Present
Boley	Present
Hall, M.	Present

Poore, Chairman	Present
Marcum, Vice Chairman	
Eldridge	Present
Fleischauer	
Frich	Present
Sobonya	Present

The Legislative Rule-Making Review Committee, met in the Senate Judiciary Committee Room at 5:00 p.m. on Tuesday, September 23, 2013. The meeting was called to order by Senator Snyder, and a silent roll call was taken, as reflected above.

Delegate Poore moved the approval of the minutes of the August 20, meeting. 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**, which was laid over from a previous meeting, 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.

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**, which was laid over from the previous meeting and responded to questions from the Committee. Ms. Stewart stated that the Board has agreed to technical modifications.

Lynette Anderson, Executive Director, State Board of Examiners for Licensed Practical Nurses, responded to questions from the Committee.

Delegates Frich and Sobonya moved to amend subsections 4.2, 7.2 and subdivision 14.2.c of the proposed rule by reinstating the struck-through language and removing the underscored language and by removing subdivision 9.4.a. in its entirety and renumbering the remaining subdivisions. The motion was adopted.

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

Delegate Poore moved that the Committee to reconsider its action whereby it approved the proposed rule as amended. The motion was adopted.

Delegate Poore moved that the Committee reconsider its action on adopting Delegate Frich and Sobonya's amendment. The motion was adopted.

With the rule back before the Committee in its initially proposed posture, Ms. Stewart explained that the amendment proposed by Delegate Frich and Sobonya is considered an agreed to modification, thus not requiring an amendment.

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 **Massage Therapy Licensure Board, Schedule of Fees, 194CSR4**.

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

Senator Snyder announced that the rule offered by the **Racing Commission, Thoroughbred Racing, 178CSR1**, would be moved to the foot of the agenda.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **State Board of Sanitarians, The Practice of Public Health Sanitation, 20CSR4**.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Bureau of Public Health, Cancer Registry, 64CSR68**, and responded to questions from the Committee.

Ann Goldberg, Counsel, West Virginia DHHR, Bureau of Public Health, responded to questions from the Committee.

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Office of Miners' Health, Safety and Training, Assessing Health and Safety Violations, 56CSR12**.

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Office of Miners' Health, Safety and Training, Rules Governing the Program for Sharing of Information Between Employers, 56CSR18.**

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Department of Administration - Fleet Management Office, State Owned Vehicles, 148CSR3,** and responded to questions from the Committee.

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Governor's Committee on Crime Delinquency and Correction, Law Enforcement Training and Certification Standards, 149CSR2,** and responded to questions from the Committee. Mr. Skinner stated that the Governor's Committee on Crime Delinquency and Correction has agreed to the technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Procedures for Deposit of Funds in the Treasurer's Office By State Agencies, 112CSR1.**

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 **Treasurer's Office, Procedure Deposit of Movies With the Office By State Agencies, 112CSR4.** Ms. Graham stated that the Treasurer's Office has agreed to the technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Selection of State Depositories for Disbursement Accounts Through Competitive Bidding, 112CSR6.** Ms. Graham stated that the Treasurer's Office has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as

modified. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Selection of State Depositories for Receipt Accounts, 112CSR7** and responded to questions from the Committee. Ms. Graham stated that the Treasurer's Office has agreed to the technical modifications.

Diana Stout, WV Treasurer's Office, responded to questions from the Committee.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Rules for Reporting of Debt Capacity, 112CSR9** and responded to questions from the Committee.

Diana Stout, WV Treasurer's Office, responded to questions from the Committee.

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 **Treasurer's Office, Reporting Debt, 112CSR10** and responded to questions from the Committee. Ms. Graham stated that the Treasurer's Office agreed to the technical modifications.

Diana Stout, WV Treasurer's Office, responded to questions from the Committee.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Procedures for Fees in Collection by Charge, Credit or Debit Card or By Electronic Payment, 112CSR12** and responded to questions from the Committee. Ms. Graham stated that the Treasurer's Office agreed to the technical modifications.

Diana Stout, WV Treasurer's Office, responded to questions from the Committee.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Treasurer's Office, Providing Services to Political Subdivisions, 112CSR13**. Ms. Graham stated that the

Treasurer's Office agreed to the technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Department of Agriculture, Commercial Feed, 61CSR5**. Ms. Graham stated that the Department of Agriculture agreed to the technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Department of Agriculture, Schedule of Charges for Inspection Services: Fruit, 61CSR8B**. Ms. Graham stated that the Department of Agriculture agreed to the technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Department of Agriculture, Auctioneers, 61CSR11B**, and responded to questions from the Committee. Ms. Graham stated that the Department of Agriculture agreed to the technical modifications.

Chris Ferro, Counsel, Department of Agriculture, responded to questions from the Committee.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Department of Agriculture, Inspection of Meat and Poultry, 61CSR16**.

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 **Department of Agriculture, Inspection of Nontraditional, Domesticated Animals, 61CSR23D** and recommended that the Department of Agriculture withdraw the rule. Ms. Graham stated that the Department of Agriculture has agreed to withdraw the rule.

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