

Monday, December 15, 2014

Senate Judiciary Committee  
Room

3:00 p.m. to 5:00 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	
Unger	Present
Boley	Present
Hall, M.	Present

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

The Legislative Rule-Making Review Committee, met in the Senate Judiciary Committee Room at 3:00 p.m. on Monday, December 15, 2014. The meeting was called to order by Senator Snyder, and a silent roll call was taken, as reflected above. Delegate Poore moved to adopt the minutes of the November 17<sup>th</sup> and 18<sup>st</sup> meetings. The motion was adopted.

Delegate Marcum moved that the Committee reconsider its actions on the **61CSR29**, recall the rule and place it immediately back before the Committee. The motion was adopted. Debra Graham, Chief Counsel, briefly reiterated the contents of the rule relating to industrialized hemp. Senator Laird moved to modify the rule to comply with the provisions of §19-12E-5e of the Code of West Virginia. Ms. Graham stated that the Department agreed to the modification.

Delegates Marcum and Poore moved the 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, Equine Rescue Facilities, 61CSR32**, and responded to questions from the Committee. Ms. Graham stated that the Department agreed to modifications.

Jewell Plumly, Department of Agriculture and Veterinarian, responded to questions from Committee Members.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by **Division of Labor, Verifying the Legal Employment Status of Workers, 42CSR31**. Ms. Graham stated that the Division agreed to 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 **West Virginia Board of Dental Examiners, Rule for the WV Board of Dentistry, 5CSR1**, and responded to questions from the Committee. Ms. Stewart stated that the Board agreed with 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 **West Virginia Board of Dental Examiners, Rule for the WV Board of Dentistry, 5CSR15**, and responded to questions from the Committee. Ms. Stewart stated that the Board agreed with 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 **West Virginia Board of Dental Examiners, Dental Recovery Networks, 5CSR15**, and responded to questions from the Committee. Ms. Stewart stated that the Board agreed with 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 **West Virginia 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 **West Virginia Board of Dental Examiners, Formation and Approval of Dental Corporations; and Dental Practice Ownership, 5CSR6**.

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 - Water and Waste Management, Requirements Governing Water Quality Standards, 47CSR2**, and responded to questions from the Committee.

Delegate Marcum moved to amend the rule by eliminating subsections 6.2.a.; 6.2.b.; 6.2.c.; 6.2.d.; and by adding the following language: "Compliance with criteria for the protection of human health is determined at the public water supply intake and for a distance five hundred yards upstream of a public water supply intake."

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

Rebecca Randolph, WV Manufacturers Association, responded to questions from the Committee.

The Chair announced that the rule would move to the foot of the agenda.

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Water and Waste Management, WV/NPDES Rule for Coal Mining Facilities, 47CSR30.**

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 - Water and Waste Management, Waste Management, 33CSR1.** Mr. Lazell stated that the Department agreed to modifications.

Delegate Fleischauer moved to modify the rule by including the contents of Amendment #1, which is on file with the Clerk. The Department agreed to the modification and the motion was adopted.

Delegate Fleischauer moved to modify the rule by including the contents of Amendment #2, which is on file with the Clerk. The Department agreed to the modification and the motion was adopted.

Delegate Fleischauer moved to modify the rule by including the contents of Amendment #3, which is on file with the Clerk. The motion was rejected.

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

The Committee returned to consideration of **47CSR2.** Delegate Marcum renewed his motion to amend the rule. The motion was rejected.

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.