

Legislative Rule-Making Review Committee**Tuesday, November 17, 2015****Senate Judiciary Committee Room****9:00 a.m.****Senate**

Maynard, Chair	Present
Boley	Present
Karnes	Present
Miller	Present
Snyder	Present
Sypolt	Present

House

Sobonya, Chair	Present
Frich, Vice-Chair	Present
Hanshaw	
Moffatt	Present
Rowe	Present
Fleischauer	Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Tuesday, November 17, 2015. The meeting was called to order by the Delegate Kelli Sobonya, House Chair. A silent roll call was taken by the Clerk as reflected above. Staff present included Debra Graham, Chief Counsel; Brian Casto, House Counsel; Kevin Baker, Senate Counsel; Tracy Webb, House Counsel; Jennifer Greenlief, Senate Counsel; Jeff Johnson, Senate Counsel; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; Jared Wyrick, Senate Clerk; Kim Jeffrey, House Clerk; and Mark White, House Clerk.

Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Division of Personnel, Administrative Rule of WV Division of Personnel, 143CSR1**, and responded to questions from the Committee.

Sara Walker, WV Division of Personnel, addressed the Committee and responded to questions.

On motion by Senator Maynard, the rule was approved.

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Thoroughbred Racing, 178CSR1**, and responded to questions from the Committee.

On motion of Senator Maynard, the proposed rule was approved as modified.

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Pari-Mutual Wagering, 178CSR5**, and responded to questions from the committee.

Kelli Talbot, Counsel, The Racing Commission, responded to questions from committee members.

On motion of Delegate Sobonya, the proposed rule was approved.

Tracy Webb, House Counsel, explained her abstract on the rule proposed by the **Department of Administration, Purchasing Division, 148CSR1**, and responded to questions from the Committee.

On motion of Delegate Sobonya, the proposed rule was approved.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners for Speech-Language Pathology and Audiology, Licensure of Speech Pathology and Audiology, 29CSR1**, and responded to questions from the committee. Mr. Bailey stated that the Board agreed to modifications.

Patty Nesbitt, Administrative Services Manager, Board of Examiners for Speech-Language Pathology and Audiology, responded to questions from the committee.

On motion by Delegate Maynard, the proposed rule was approved as modified.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners for Speech-Language Pathology and Audiology, Licensure of Speech Pathology and Audiology, 29CSR2**, and responded to questions from the committee.

Patty Nesbitt, Administrative Services Manager, Board of Examiners for Speech-Language Pathology and Audiology, responded to questions from the committee.

Senator Maynard moved to amend the rule by changing 2 back to 3 SLPA's. The motion was adopted.

On motion by Senator Maynard, the rule was approved as modified and amended.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Election Commission, Regulation of Campaign Finance, 146CSR3**, and responded to questions from the committee. Ms. Greenlief stated that the Commission has agreed to all modifications.

Dave Nichols, WV Secretary of State Liaison, responded to questions from committee members.

Delegate Fleischauer moved to amend the rule on page 18, §10.7A and 10.7B by striking the sections. The motion was adopted.

Senator Maynard moved to amend the rule by striking all of §§6.3E and 6.3F and the second sentence of §6.7. The motion was adopted.

Delegate Frich moved to amend the rule on page 12 §7.2B by striking all the language through "candidates". The motion was adopted.

On motion by Senator Maynard, the rule was approved as modified and amended.

Senator Maynard moved to recess for one hour. The motion was adopted.

Upon reconvening, Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Election Commission, WV Supreme Court of Appeals Public Campaign Financing Program, 146CSR5**. Ms. Greenlief stated that the Commission agreed to modifications.

On motion by Senator Maynard, the rule was approved as modified.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Absentee Voting my Military Voters Who are Members of Reserve Units Called to Active Duty, 153CSR23**.

On motion of Senator Maynard, the rule was approved.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Registration Forms and Receipts, 153CSR3**.

On motion of Senator Maynard, the rule was approved.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Freedom of Information Act Database, 153CSR52**, and responded to questions from the committee. Ms. Greenlief stated that the Secretary agreed to the modifications.

On motion by Senator Maynard, the rule was approved as modified.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Elimination of Precinct Registration Books, 153CSR9**.

On motion of Senator Maynard, the rule was approved.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Services, Emergency Medical Services, 64CSR48**, and responded to questions from the Committee.

Melissa Kinard, Director, OEMS; Joel Watts, Health and Safety Board of Miner Training and Education; Christ Hamilton, WV Coal Association; and Brian Skinner, Counsel, WV BPH, each responded to questions from the committee.

Delegate Moffatt moved to lay the rule at the foot of the agenda. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract for the rule proposed by the **Department of Health and Human Resources, qualifications for a Restricted Provisional License to Practice as a Social Worker within the Department, 78CSR24**, and responded to questions from the committee. Mr. Johnson stated the Department agreed to the modifications.

Susan Richards, WV Bureau of Children and Families, responded to questions from the committee.

On motion of Senator Maynard, the proposed rule was approved as modified.

Tracy Webb, House Counsel, explained her abstract for the rule proposed by the **Board of Social Work, qualifications to be a Social Worker, 25CSR1**. Ms. Webb stated that the Board agreed to modifications.

On motion by Senator Maynard, the rule was approved as modified.

Delegate Moffatt moved the committee to reconsider its actions on 64CSR48 and bring it back before the committee for consideration. The motion was adopted.

Having previously explained **64CSR48**, the committee returned to consideration of the rule.

On motion by Senator Maynard, the proposed rule was approved.

The final rule on the agenda was **Division of Tourism, Direct Advertising Grants, 144SCR1**. Senator Maynard moved to lay the rule over until the November 18, 2015 meeting. The motion was adopted.

Upon motion by Senator Maynard, the meeting adjourned.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Bureau for Public Health, Fees for Service, 64CSR51**, and responded to questions from the Committee.

Carolyn Elswick, Administrator, Bureau for Public Health, addressed the Committee and responded to questions.

Pursuant to Rule 49, Senator Snyder asked to be excused from voting. The Chair excused Senator Snyder from voting on approval of the rule.

On motion of Delegate Sobonya, the proposed rule was approved.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Family Child Care Facility Licensing Requirements, 78CSR18**, and responded to questions from the Committee.

Lisa Earley, Program Manager, Division of Early Care and Education, addressed the Committee and responded to questions.

On motion of Delegate Fleischauer, the proposed rule was laid over.

On motion of Delegate Fleischauer, **78CSR19** was laid over due to the interconnection between 78CSR18 and 78CSR19.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Child Care Licensing Requirements, 78CSR1**, and responded to questions from the Committee.

On motion of Delegate Sobonya, the proposed rule was approved.

Marty Wright, 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**. Mr. Wright stated the Governor's Committee has agreed to technical modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Record Keeping Automated Data Processing Systems, 15CSR4**. Mr. Roskovensky stated the Board had agreed to technical modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers and Manufacturers, 15CSR5**, and responded to questions from the Committee. Mr. Roskovensky stated the Board had agreed to technical modifications.

David Potters, General Counsel, West Virginia Board of Pharmacy, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Licensure and Practice of Pharmacy, 15CSR1**. Mr. Roskovensky stated the Board had agreed to technical modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Debra Graham, Chief Counsel explained her abstract on the rule proposed by the **Department of Agriculture, Inspection of Nontraditional Domesticated Animals, 61CSR23D**. Ms. Graham stated that the Department has agreed to technical modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Debra Graham, Chief Counsel explained her abstract on the rule proposed by the **Department of Agriculture, Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas, 61CSR28**. Ms. Graham stated that the Department has agreed to technical modifications.

On motion from Delegate Sobonya, the proposed rule was approved as modified.

Debra Graham, Chief Counsel explained her abstract on the rule proposed by the **Department of Agriculture, Livestock Care Standards, 61CSR31**, and responded to questions from the Committee. Ms. Graham stated that the Department has agreed to technical modifications.

Jerry Ours, Poultry and Environment Specialist, West Virginia Department of Agriculture, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Debra Graham, Chief Counsel explained her abstract on the rule proposed by the **Department of Agriculture, Captive Cervid Farming, 61CSR34**, and responded to questions from the Committee. Ms. Graham stated that the Department has agreed to technical modifications.

Jewell Plumly, Director, West Virginia Department of Agriculture, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

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