

Legislative Rule-Making Review Committee

Sunday, October 18, 2015

Senate Judiciary Committee Room

6:00 p.m. to 7:00 p.m.

Senate

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

House

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

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 6:00 p.m. on Sunday, October 18, 2015. The meeting was called to order by the Senate Chair, Senator Mark Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included Debra Graham, Chief Counsel; Jeff Johnson, Senate Counsel; Marty Wright, House Counsel; Charlie Roskovensky, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; and Kim Jeffrey, House Clerk; and Mark White, House Clerk

On motion of Delegate Sobonya, the minutes from the previous meetings, September 13, 2015 and September 15, 2015, were approved.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Benefit Determination and Appeal, 162CSR2**, and responded to questions from the Committee. Ms. Graham stated that the Board has agreed to technical modifications.

Teresa Miller, Deputy Director, Consolidated Public Retirement Board, addressed the Committee and responded to questions.

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

On motion of Delegate Fleischauer, rules **162CSR10 and 162CSR9** were laid over.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Property Valuation Training and Procedures Commission, 189CSR5**, and responded to questions from the Committee. Ms. Graham stated that the Commission has agreed to technical modifications.

Cal Kent, Chairman, Property Valuation Training and Procedures Commission, addressed the Committee and responded to questions.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Office of Inspector General, WV Clearance for Access: Registry and Employment Screening, 69CSR10**, and responded to questions from the Committee. Mr. Johnson stated that the Office has agreed to technical modifications.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Bureau for Public Health, Farmers Market Vendors, 64CSR102**, and responded to questions from the Committee. Mr. Johnson stated that the Bureau has agreed to technical modifications.

Brad Cochran, Director, Bureau of Public Health, addressed the Committee and responded to questions.

Brian Skinner, General Counsel, Department of Health and Human Resources, addressed the Committee and responded to questions.

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

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Division of Health and Human Resources, WV Works Program Sanctions, 78CSR23**, and responded to questions from the Committee. Mr. Johnson stated that the Division has agreed to technical modifications.

Monica Hamilton, Program Manager, Temporary Assistance for Needy Families, addressed the Committee and responded to questions.

Delegate Moffatt requested that the language relating to “good cause” be altered for clarity. The agency agreed to this modification.

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

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.