

Legislative Rule-Making Review Committee

Sunday, September 13, 2015

Senate Judiciary Committee Room

5:00 p.m. to 7:00 p.m.

Senate

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

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 5:00 p.m. on Sunday, September 13, 2015. The meeting was called to order by the House Chair, Delegate Kelli Sobonya. A silent roll call was taken by the Clerk as reflected above. Staff present included Debra Graham, Chief Counsel; Kevin Baker, Senate Counsel; Seth Gaskins, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; and Kim Jeffrey, House Clerk.

On motion of Senator Maynard, the minutes from the previous meeting, June 7, 2015, were approved.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Division of Public Transit, Rail Fixed Guideway Systems State Safety Oversight, 225CSR1**, and responded to questions from the Committee. Mr. Baker stated that the Division has agreed to technical modifications.

William C. Robinson, Executive Director of the West Virginia Division of Public Transit, responded to questions from the Committee.

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

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Division of Highways, State Transportation Infrastructure Fund Program, 157CSR11**. Mr. Baker stated that the Division has agreed to technical modifications.

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

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.

Terasa Miller, Deputy Director of the Consolidated Public Retirement Board, responded to questions from the Committee.

On motion of Senator Maynard, the proposed rule was moved to the foot of the agenda.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Teachers' Defined Contribution Retirement System, 162CSR3**. Ms. Graham stated that the Board has agreed to technical modifications.

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

On motion of Senator Maynard, the Committee reconsidered 162CSR3.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Teachers' Retirement System, 162CSR4**. Ms. Graham stated that the Board has agreed to technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Refund, Reinstatement, Retroactive Service, Loan and Correction of Error Interest Factors, 162CSR7**, and responded to questions from the Committee. Ms. Graham stated that the Board has agreed to technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Refund, Service Credit for Accrued and Unused Sick and Annual Leave, 162CSR8**.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, WV State Police, 162CSR9**, and responded to questions from the Committee. Ms. Graham stated the Board had agreed to technical modifications.

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

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Deputy Sheriff Retirement System, 162CSR10** and responded questions from the Committee. Ms. Graham stated the Board had agreed to technical modifications.

On motion of Senator Maynard, the rule was moved to the foot of the agenda.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Soil Conservation Committee, Conservation Agency Financial Assistance Program, 63CSR2**, and responded to questions from the Committee. Ms. Graham stated the Board had agreed to technical modifications.

Brian Farkas, Executive Director, West Virginia Conservation Agency, addressed the Committee and responded to questions.

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

Seth Gaskins, Associate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Wildlife Resources Section, Deer Hunting Rule, 58CSR50**.

Robert A. Fala, Director, Division of Natural Resources, addressed the Committee and responded to questions.

Emily Flemming, Deputy Director, Division of Natural Resources, addressed the Committee and responded to questions.

Colonel Jerry Jenkins, Chief, Law Enforcement Section, Division of Natural Resources, addressed the Committee and responded to questions.

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

On motion of Senator Maynard, the Committee reconsidered **162CSR9**.

On motion of Senator Maynard, **162CSR9** was moved to the foot of the agenda.

Seth Gaskins, Associate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Wildlife Resources Section, General Hunting Rules, 58CSR49**, and responded to questions from the Committee.

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

Seth Gaskins, Associate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Wildlife Resources Section, Wild Boar Hunting, 58CSR52**, and responded to questions from the Committee.

Colonel Jerry Jenkins, Chief, Law Enforcement Section, Division of Natural Resources, addressed the Committee and responded to questions.

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

Seth Gaskins, Associate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Wildlife Resources Section, Prohibitions When Hunting and Trapping, 58CSR47**, and responded to questions from the Committee.

Senator Moffatt requested that the rule be modified on page two, line 3.5, inserting the words "fully automatic" in front of the word "shotgun" and inserting the words "fully automatic" in front of the word "pistol".

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

On motion of Senator Maynard, the meeting was adjourned.

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