

Legislative Rule-Making Review Committee**Sunday, June 7, 2015****Senate Judiciary Committee Room****5:00 p.m. to 7:00 p.m.****Senate**

Maynard, Chair Present

Boley

Karnes Present

Miller

Snyder Present

Sypolt

House

Sobonya, Chair Present

Fleischauer Present

Hanshaw Present

Moffatt Present

Rowe Present

Frich Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 5:00 p.m. on Sunday, June 7, 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. Legislative members and staff introduced themselves. Staff present included Debra Graham, Chief Counsel; Jared Wyrick, Senate Clerk; James Bailey, Senate Counsel; Kevin Baker, Senate Counsel; Brian Casto, House Counsel; James Fuerhoff, House Clerk; Seth Gaskins, House Counsel; Jennifer Greenlief, Senate Counsel; Jeff Johnson, Senate Counsel; Beth Lovell, Senate Clerk; John Reed, House Counsel; Charlie Roskovensky, House Counsel; Tracy Webb, House Counsel; Mark White, House Clerk; Marty Wright, House Counsel; and Kim Jeffrey, House Clerk.

Senator Maynard moved that the following procedural rules be adopted to govern the Legislative Rule-Making Review Committee in its deliberations:

(1) Quorum – A quorum of the committee and any subcommittees created from the committee shall consist of not less than 51% of the members of the Senate and 51% of the members of the House of Delegates. In the absence of a quorum, no procedural or substantive action may be taken by the Committee or by any subcommittee with regard to proposed legislation: Provided, That the absence of a quorum shall not prohibit consideration and discussion of proposed legislation before the committee, or the presentation by interested citizens of their views regarding such proposed legislation. The absence of a quorum shall not prohibit a majority of the members present from directing staff to prepare proposed drafts or to conduct research concerning proposed legislation for presentation at a future meeting of the subcommittee.

(2) Voting – Except as provided in paragraph (1) above, action proposed by the committee or a subcommittee thereof requires a majority vote of the quorum present.

(3) Minutes – Minutes of all meetings of the Committee shall be prepared by staff for approval of the Committee at a subsequent meeting. For his or her convenience in preparing minutes, the responsible staff person may electronically record the meeting for clerical use. However, once the minutes for a particular meeting have been approved, they shall stand as the sole record of the proceedings.

(4) Applicability of procedural rules of the Senate and House of Delegates – To the extent that they are not inconsistent, the procedural rules of the Senate and House of Delegates shall apply to all meetings

of the Committee and to all subcommittee meetings. In the event of an inconsistency between such rules, the Co-Chairs of the Committee or Subcommittee who is chairing the particular meeting shall apply the rule or rules of the house of which he or she is a member.

The motion was adopted.

The Committee next discussed future Legislative Rule-Making Review Committee meetings and staff assignments. The discussion specifically included the rule-making process and timing for agencies to file rules in relation to the present interim legislative schedule and the possibility of meeting extra days outside of those dates currently scheduled for interim meetings.

Debra Graham, Chief Counsel, gave a power point presentation entitled “The Rule-Making Process in West Virginia.” A booklet containing this presentation was distributed to Committee members. This booklet also included detailed information regarding the Secretary of State’s rule relating to “Standard Size and Format for Rules and Procedures of the State Register or Parts of the State Register”; sample Secretary of State forms; sample questionnaires and fiscal note forms; “Procedures for Filing an Emergency and Proposed Legislative Rule with the Legislative Rule-Making Review Committee”; a sample bill of authorization; legislation from the 2015 Regular Legislative Session; and West Virginia court cases related to the legislative rule-making process. Ms. Graham discussed the Legislative rule-making process, as detailed in the power point handout, and answered questions from committee members.

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