Legislative Rule-Making Review Committee			**Senate Judiciary Committee Room**	
Sunday, December 4, 2016			**2:00 p.m. to 5:00 p.m.**	
Senate			House	
Maynard, Chair	Present		Sobonya, Chair	Present
Boley	Present		Frich, Vice-Chair	Present
Karnes	Present		Hanshaw	Present
Miller			Moffatt	Present
Snyder			Rowe	Present
Sypolt	Present		Fleischauer	Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 2:00 p.m. on Sunday, December 4, 2016. The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included: Jared Wyrick, Joint Director of the Committee; James Bailey, Senate Counsel; Jeff Johnson, Senate Counsel; Mark McOwen, House Counsel; Beth Lovell, Senate Clerk; and James Fuerhoff, House Clerk.

Upon motion by Delegate Sobonya, the minutes from September 20, 2016, were approved.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Athletic Commission, Administrative Rules of the WV State Athletic Commission, 177 CSR 1,** and responded to questions from committee members.

With leave of the committee, Sean Whelan, Attorney General's Office Representative to the Athletic Commission, responded to questions from the committee.

With leave of the committee, Leon Ramsey, Chairman, State Athletic Commission, responded to questions from the committee.

Delegate Rowe proposed to modify 177 CSR 1, on page 13, to clarify that a licensed Physician would be the one to determine if the contestant incurred a brain injury or concussion. The agency agreed to the modification. On motion of Delegate Rowe, the modification was adopted.

Delegate Moffatt proposed to modify 177 CSR1, on page 25, 49-1 to clarify blood testing for pro and semi-pro contestants. The agency agreed to the modification. On motion of Delegate Moffatt, the modification was adopted.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Athletic Commission, Regulation of Mixed Martial Arts, 177 CSR 2,** and responded to questions from committee members.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Counseling, Marriage and Family Therapist License Renewal and Continuing Professional Education, 27 CSR 10,** and responded to questions from committee members.

With leave of the committee, Roxanne Clay, Executive Director, Board of Counseling, responded to questions from the committee.

Senator Sypolt moved to layover 27 CSR 10, 27 CSR 2, 27 CSR 3 and 27 CSR 9 to a later meeting date. The motion carried.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Exemption from Certificate of Need, 65 CSR 29,** and responded to questions from committee members.

Upon suggestion from counsel, and agency approval, a modification was made to combine **65 CSR 29** with the proposed rule by the **Health Care Authority, Exemption for Kidney Disease Treatment Centers, 65 CSR 33.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Rural Health Systems Grant Program, 65 CSR 30,** and responded to questions from committee members.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Hospital Assistance Grant Program, 65 CSR 31,** and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Certificate of Need Rule, 65 CSR 32,** and responded to questions from committee members.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Mark McOwen, House Counsel, explained his abstract on the rule proposed by the **Lottery Commission, Limited Video Lottery, 179 CSR 05,** and responded to questions from committee members.

With leave of the committee, Danielle Boyd, General Counsel, West Virginia Lottery Commission, responded to questions from the committee.

Delegate Moffatt moved to amend the language of counsel's suggested modification by amending 2.12.2.a. as follows:

"On line 5, 2.12.2.a., following the words "24 hours" and the comma, by striking out the remainder of 2.12.2.a. and inserting in lieu thereof the following: "and (v) has at least (50) parking spaces."

The motion was adopted.

Delegate Rowe proposed to modify 179 CSR 5, to clarify that the person applying for licensure for limited video lottery is not the owner of the truckstop. The agency agreed to the modification. On motion of Delegate Rowe, the motion was adopted.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

(**Note:** Delegate Frich requested to be recorded as a 'no' vote on the passage of 179 CSR 5.)

Upon motion of Delegate Sobonya, the meeting was adjourned.