

Legislative Rule-Making Review Committee

Monday, September 19, 2016

Senate Judiciary Committee Room

9:00 p.m. to 11:00 p.m.

Senate

Maynard, Chair Present

Boley

Karnes Present

Miller

Snyder

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 9:00 p.m. on Monday, September 19, 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: Kevin Baker, Senate Counsel; Mark McOwen, House Counsel; Jeff Johnson, Senate Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; Mark White, House Clerk; and Kim Jeffrey, House Clerk.

Mark McOwen, House Counsel, explained his abstract on the rule proposed by the **Lottery Commission, Limited Video Lottery, 179 CSR 5**, and responded to questions from committee members.

John A. Myers, Acting Director, West Virginia Lottery Commission, responded to questions from the committee.

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

Delegate Rowe moved to amend subdivision 2.12.1 of the rule to reflect the distance be fifteen feet from the actual facility where petroleum products are sold.

Delegate Rowe requested unanimous consent to withdraw his amendment.

Delegate Fleischauer moved that the rule be placed at the foot of the agenda to allow time for counsel and agency representatives to consider modifications. The motion was adopted.

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Thoroughbred Racing, 178 CSR 1**, and responded to questions from committee members.

Kelli Talbott, Senior Deputy Attorney General, Representative for the Racing Commission, responded to questions from the committee.

In response to a question from Del. Hanshaw, counsel for the Racing Commission responded that the proposed language in 178 CSR 1 regarding a duty to cooperate, Section 24.15, does not expand the existing general duty of a permit holder to comply with a request from a government agency and is not intended to create a new obligation.

Due to 178 CSR 1 not passing during the 2016 Regular Session, Delegate Sobonya requested that the changes made to the agency approved rule filed August 18, 2016, be provided to members before the 2017 Regular Session.

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

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Pari-Mutuel Wagering, 178 CSR 5**, and responded to questions from committee members.

Kelli Talbott, Senior Deputy Attorney General, Representative for the Racing Commission, responded to questions from the committee.

Delegate Sobonya requested that information regarding wagering in other states be obtained before the 2017 Regular Session.

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

(Co-Chair Sobonya and Vice-Chair Frich requested to be recorded as a “no” vote).

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Auditor, Procedures for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body, 155 CSR 8**, and responded to questions from committee members.

Delegate Sobonya requested that the language in the rule be underlined, as it is a new rule. The agency agreed to accept as a modification.

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

Upon motion by Delegate Sobonya, the meeting was adjourned.