

Legislative Rule-Making Review Committee

Tuesday, September 20, 2016

Senate

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

Senate Judiciary Committee Room

3:00 p.m. to 5:00 p.m.

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 3:00 p.m. on Tuesday, September 20, 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: Debra Graham, Chief Counsel; Kevin Baker, Senate Counsel; Jeff Johnson, Senate Counsel; Jennifer Greenlief, Senate Counsel; John Reed, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; Mark White, House Clerk; and James Fuerhoff, House Clerk.

Upon motion of Delegate Sobonya, the proposed rule by the **Lottery Commission, Limited Video Lottery, 179 CSR 5**, was removed from the agenda to be taken up during the December Legislative Interims.

Upon motion by Delegate Sobonya, the minutes from September 18, 2016, and September 19, 2016, were approved.

Kevin Baker, Senate Counsel, explained his abstract on the rule proposed by the **Auditor, Standards for Requisitions for Payment Issued by State Officers on the Auditor, 155 CSR 1**, and responded to questions from committee members.

Mike Sizemore, Senior Deputy State Auditor, addressed the committee and responded to questions.

Delegate Frich moved to amend the rule by striking subdivision 10.1.e in its entirety. The motion was approved.

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

Delegate Hanshaw requested that counsel prepare a bill that adds 10.1.e into W.Va. Code.

Delegate Fleischauer requested that the Auditor's office use their authority currently in Code to remedy the concerns with 10.1.e.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Health and Human Resources, Expedited Partner Therapy, 64 CSR 103**.

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 and Human Resources, Clinical Laboratory Technician and Technologist Licensure and Certification, 64 CSR 57**.

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 and Human Resources, Clandestine Drug Laboratory Remediation, 64 CSR 92**, and responded to questions from the committee members.

Brian Skinner, General Counsel, Bureau of Public Health, responded to questions from the committee.

Delegate Moffatt requested that the agency change the sunset date in the rule from ten years to five years. The agency agreed to the modification.

Senator Karnes moved to amend section 3.3 of the rule to reflect that the license expire every two years from the last day of the month issued.

Senator Karnes moved to withdraw his amendment.

Delegate Moffatt moved to place the bill at the foot of the agenda. The motion was approved.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies, 112 CSR 4**, and responded to questions from the 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.

Upon motion of Delegate Sobonya, the committee returned to the rule proposed by the **Health and Human Resources, Clandestine Drug Laboratory Remediation, 64 CSR 92**. Jeff Johnson, Senate Counsel, explained the agency's proposed modification to provide both one and two-year licensing options.

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.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Selection of State Depositories for Disbursement Accounts through Competitive Bidding, 112 CSR 6**, and responded to questions from the committee members.

Diana Stout, General Counsel for the Office of the Treasurer, responded to questions from the committee.

Delegate Rowe requested that information regarding fees charged by banks for disbursement accounts be provided to 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.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Selection of State Depositories for Receipt Accounts, 112 CSR 7**.

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.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Procedures for Processing Payments from the State Treasury, 112 CSR 8**, and responded to questions from the 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.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment, 112 CSR 12**, and responded to questions from the committee members.

Diana Stout, General Counsel for the Office of the Treasurer, responded to questions from the committee.

Delegate Moffatt requested that the agency provide the schedule of fees for credit card transactions charged to each agency.

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

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

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Office of the Treasurer, Procedures for Providing Services to Political Subdivisions, 112 CSR 13**.

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.

John Reed, House Counsel, explained his abstract on the rule proposed by **Department of Agriculture, Animal Disease Control, 61 CSR 1**, and responded to questions from the committee members.

Chris Farrow, Department of Agriculture, 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.

John Reed, House Counsel, explained his abstract on the rule proposed by **Department of Agriculture, Dangerous Wild Animal Repeal, 61 CSR 30**.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Department of Agriculture, Livestock Care Standards Repeal, 61 CSR 31**.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by **Department of Agriculture, Captive Cervid, 61 CSR 34**, and responded to questions from the 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.

Upon motion of Delegate Sobonya, the meeting was adjourned.