

Legislative Rule-Making Review Committee

Minutes for Saturday, December 2, 2017

Senate Judiciary Committee Room

10:00 a.m. to 6:00 p.m.

Senate

Maynard, Chair Present

Weld, Vice-Chair

Baldwin

Jeffries Present

Karnes Present

Sypolt Present

Carmichael, Nonvoting

House

Sobonya, Chair Present

Frich, Vice-Chair Present

Fleischauer Present

Foster, G Present

Hanshaw Present

Rowe Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 10:00 a.m. on Saturday, December 2, 2017. The meeting was called to order by the Chair, Delegate Sobonya. A silent roll call was taken by the Clerk as reflected above. Staff present included: Noelle Starek, Senate Counsel; Jennifer Greenlief, Senate Counsel; Marsha Kauffman, House Counsel; Jared Wyrick, Director; James Fuerhoff, House Clerk.

1. Noelle Starek, Senate Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Wildlife Disease Management, 58 CSR 69**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Steve McDaniel, Director, Division of Natural Resources, addressed the committee and responded to questions.

With leave of the committee, Justin Hedrick, President, WV Bow Hunters Association, addressed the committee and responded to questions.

With leave of the committee, Jason Webb, Representative, Arcus Hunting, addressed the committee and responded to questions.

With leave of the committee, Davin Henderson, Consultant, Arcus Hunting, addressed the committee and responded to questions.

Senator Sypolt moved to amend the proposed rule by striking 5.1 in its entirety.

Without objection, Senator Sypolt requested unanimous consent to reform his amendment to strike the word "urine" from 5.1. The motion was adopted.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified and amended. The motion was adopted.

2. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Noxious Weeds, 61 CSR 14A** and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Steve Butler, Secretary Treasurer, WV Farm Bureau, addressed the committee and responded to questions.

With leave of the committee, Charles Sypolt, Professor, Glenville State College, addressed the committee and responded to questions.

With leave of the committee, Rakesh Chandran, WVU Extension Service, addressed the committee and responded to questions.

With leave of the committee, Julie Robinson, Director, WV Nursing and Landscaping Association, addressed the committee and responded to questions.

With leave of the committee, Crescent Gallagher, Communications Director, Department of Agriculture, addressed the committee and responded to questions.

With leave of the committee, Tim Brown, Plant Industries Director, Department of Agriculture, addressed the committee and responded to questions.

With leave of the committee, Ken Jackson, Owner, Ken's Greenhouse, addressed the committee and responded to questions.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.
(Delegate Sobonya requested to be recorded as a "no" vote.)

Senate Maynard moved to adopt the minutes from the previous minutes. The motion was adopted.

3. Noelle Starek, Senate Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Hunting, Fishing, and Other Outfitters and Guides, 58 CSR 11**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

4. Noelle Starek, Senate Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, General Hunting, 58 CSR 49**, and responded to questions from the committee.

With leave of the committee, Gary Foster, Assistant Chief of Game Management, Division of Natural Resources, addressed the committee and responded to questions.

With leave of the committee, David Trader, Lieutenant Colonel, Division of Natural Resources, addressed the committee and responded to questions.

With leave of the committee, Emily Fleming, Deputy Director, Division of Natural Resources, addressed the committee and responded to questions.

Senator Maynard moved to approve the rule as filed. The motion was adopted.

5. Noelle Starek, Senate Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Special Migratory Bird Hunting, 58 CSR 56**, and responded to questions from the committee.

Senator Maynard moved to approve the rule as filed. The motion was adopted.

6. Noelle Starek, Senate Counsel, explained her abstract on the rule proposed by the **Division of Natural Resources, Miscellaneous Permits and Licenses, 58 CSR 64**.

Senator Maynard moved to approve the rule as filed. The motion was adopted.

7. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Office of Miners' Health, Safety, and Training, Operating Diesel Equipment in Underground Mines in WV, 56 CSR 23**.

Senator Maynard moved to approve the rule as filed. The motion was adopted.

8. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Governor's Committee on Crime Delinquency and Correction, Law Enforcement Training and Certification Standards, 149 CSR 2**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

9. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Fire Commission, Hazardous Substance Emergency Response Training Programs, 87 CSR 3**, and

responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Ken Tyree, State Fire Marshall, addressed the committee and responded to questions.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

10. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Fire Commission, Electrician Licensing Rules, 87 CSR 2**, and responded to questions from the committee.

Without objection, Delegate Sobonya asked unanimous consent to move the rule to the foot of the agenda.

11. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Schedule of Charges for Inspection Services Fruit, 61 CSR 8B**. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

12. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Animal Disease Control, 61 CSR 1** and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

13. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Feeding of Untreated Garbage to Swine, 61 CSR 1A** and responded to questions from the committee.

Delegate Fleischauer requested the agency to withdraw the rule. The agency agreed.

14. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Public Markets, 61 CSR 11** and responded to questions from the committee.

With leave of the committee, Crescent Gallagher, Communications Director, Department of Agriculture, addressed the committee and responded to questions.

Senator Maynard requested the agency to withdraw the rule. The agency agreed.

15. Jennifer Greenlief, explained her abstract on the rule proposed by the **Department of Agriculture, Auctioneers, 61 CSR 11B** and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as filed. The motion was adopted.

16. The committee returned to consideration of the rule proposed by the **Fire Commission, Electrician Licensing Rules, 87 CSR 2**. The agency agreed to all counsel suggested modifications.

With leave of the committee, Ken Tyree, State Fire Marshall, addressed the committee and responded to questions.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

17. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Governor's Committee on Crime Delinquency and Correction, Protocol for Law Enforcement Response to Domestic Violence, 149 CSR 3**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Joyce Yedlosky, West Virginia Coalition Against Domestic Violence, addressed the committee and responded to questions.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

18. Jennifer Greenlief, explained her abstract on the rule proposed by the **Secretary of State, Procedures of Canvassing Elections, 153 CSR 18** and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

19. Jennifer Greenlief, explained her abstract on the rule proposed by the **Secretary of State, Procedures of Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots, 153 CSR 27** and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

Senator Maynard moved to adopt the agency agreed to modifications. The motion was adopted.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

With no further business to come before the committee, Senator Maynard moved to adjourn.

Delegate Sobonya put the question before the committee and the motion was adopted.