

**Legislative Rule-Making Review Committee**  
**Minutes for Wednesday, October 18, 2017**

**Senate Judiciary Committee Room**  
**9:00 a.m. to 12:00 p.m.**

Senate		House	
Maynard, Chair	Present	Sobonya, Chair	Present
Weld, Vice-Chair	Present	Frich, Vice-Chair	Present
Baldwin	Present	Fleischauer	Present
Jeffries	Present	Foster, G	Present
Karnes	Present	Hanshaw	Present
Sypolt	Present	Rowe	Present
Carmichael, Nonvoting			

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, October 18, 2017. 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: Jeff Johnson, Senate Counsel; Jennifer Greenlief, Senate Counsel; Arlie Hubbard, House Counsel; Charlie Roskovensky, House Counsel; Noelle Starek, Senate Counsel; Jared Wyrick, Director; James Fuerhoff, House Clerk; and Mark White, House Clerk.

Delegate Sobonya moved to adopt the minutes from the previous minutes.

Delegate Frich moved to amend the minutes to reflect her “no” vote with regards to a rule proposed by the **Division of Labor, Registration of Weighing and Measuring Devices Used by Business in Commercial Transactions, 42 CSR 36**. The motion was adopted.

On motion of Delegate Sobonya the minutes as amended were adopted.

1. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Financial Disclosure Rule, 65 CSR 13**. The agency agreed to all counsel suggested modifications.

Delegate Sobonya moved to adopt the agency agreed to modifications. The motion was adopted.

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

2. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **WV Board of Examiners for Licensed Practical Nurses, Schedule of Fees for Services Rendered, 10 CSR 4**, and responded to questions from committee members.

With leave of the committee, Michelle Mayhew, Executive Director, Board of Examiners for Licensed Practical Nurses, addressed the committee and responded to questions.

Delegate Fleischauer moved to lay the rule over until the December meeting. The motion was adopted.

3. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Food Establishments, 64 CSR 17**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Judy Vallandingham, Interim Director, WV Public Health Sanitation Division, addressed the committee and responded to questions.

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

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

4. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Public Water Systems, 64 CSR 3**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Jim Ellars, Engineer Senior, Environmental Engineering Division, Bureau of Public Health, addressed the committee and responded to questions.

With leave of the committee, Brian Skinner, General Counsel, Bureau of Public Health, addressed the committee and responded to questions.

Delegate Frich moved to adopt the agency agreed to modifications. The motion was adopted.

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

5. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State, 69 CSR 13**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Brian Skinner, General Counsel, Bureau of Public Health, addressed the committee and responded to questions.

Delegate Sobonya moved to adopt the agency agreed to modifications. The motion was adopted.

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

6. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Collection and Exchange of Data Related to Overdoses, 69 CSR**

**14**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Brian Skinner, General Counsel, Bureau of Public Health, addressed the committee and responded to questions.

Delegate Sobonya moved to adopt the agency agreed to modifications.

Delegate Foster moved that the agency modify the rule by removing 2.24.g. The agency agreed to remove 2.24g as a modification.

Senator Weld moved to amend the motion offered by Delegate Foster by reinstating language in 2.24.g.

Senator Weld withdrew his motion.

Unanimous consent being granted, Delegate Foster withdrew his motion.

Senator Karnes moved to modify 2.24 by adding “the use of tobacco products” as reportable information. The agency agreed to add “the use of tobacco products” as a modification.

Senator Karnes moved to modify 2.24 by adding “convicted of a crime” and “government assistance” as reportable information. The agency declined to accept as modifications.

Senator Weld raised a point of order.

Unanimous consent being granted, Senator Karnes withdrew his motion.

Delegate Sobonya moved to lay the rule over to the December meeting. The motion was adopted.

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

With leave of the committee, Jim Frio, Frio Auctioneers, Wheeling, WV addressed the committee and responded to questions.

With leave of the committee, Norm Bailey, Chief of Staff, Department of Agriculture, addressed the committee and responded to questions.

Delegate Rowe moved to lay the rule over to the December meeting. The motion was adopted.

Senator Sypolt moved that the committee reconsider its action by which it approved the rule proposed by the **Division of Labor, Registration of Weighing and Measuring Devices Used by Business in Commercial Transactions, 42 CSR 36**. The motion was adopted.

Delegate Sobonya requested unanimous consent to withdraw her motion to approve 42 CSR 36.

Senator Sypolt moved to lay over 42 CSR 36 to a future meeting. The motion was adopted.

Delegate Sobonya moved to lay over the remaining rules on the agenda to the December meeting. The motion was adopted.

With no further business to come before the committee, Delegate Fleischauer moved to adjourn.

Senator Maynard put the question before the committee and the motion was adopted.

(Delegate Frich requested to be recorded as a “no” vote on the motion to adjourn)