

Legislative Rule-Making Review Committee
Minutes for Wednesday, September 20, 2017

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

Senate		House	
Maynard, Chair	Present	Sobonya, Chair	
Weld, Vice-Chair		Frich, Vice-Chair	Present
Jeffries	Present	Fleischauer	Present
Karnes	Present	Foster, G	Present
Miller	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, September 20, 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; James Bailey, Senate Counsel; Marsha Kauffman, House Counsel; Charlie Roskovensky, House Counsel; Jared Wyrick, Director; James Fuerhoff, House Clerk; Kim Jeffrey, House Clerk; and Mark White, House Clerk.

1. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the Board of Veterinary Medicine, Certified Animal Euthanasia Technicians, 26 CSR 5, and responded to questions from committee members. The agency agreed to all counsel suggested modifications.

With leave of the committee, Patricia Holstein, Director, WV Veterinary Board responded to questions from committee members.

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

2. Charley Roskovensky, House Counsel, explained his abstract on the rule proposed by the WV Board of Pharmacy, Licensure and Practice of Pharmacy, 15 CSR1, and responded to questions from committee members.

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

3. Charley Roskovensky, House Counsel explained his abstract on the rule proposed by the WV Board of Pharmacy, Uniform Controlled Substances Act, 15 CSR 2, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

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

4. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **WV Board of Pharmacy, Controlled Substances Monitoring Program, 15 CSR 8**, and responded to questions from committee members. The agency agreed to all counsel suggested modifications.

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

5. Charlie Roskovensky, explained the provisions of his abstract on the rule proposed by the **WV Board of Pharmacy, Pharmacist Recovery Networks, 15 CSR 10**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

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

6. Charlie Roskovensky, explained the provisions of his abstract on the rule proposed by the **WV Board of Pharmacy, Immunizations Administered by Pharmacists and Pharmacy Interns, 15 CSR 12**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

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

7. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Child Placing Agencies Licensing, 78 CSR 2**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Terry Miller, WV DHHR, responded to questions from committee members.

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

8. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Child Care Centers Licensing 78 CSR 1**. The agency agreed to all counsel suggested modifications.

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

9. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Family Child Care Facility Licensing Requirements, 78 CSR 18**. The agency agreed to all counsel suggested modifications.

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

10. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Family Child Care Home Registration Requirements, 78 CSR 19**, and responded to questions from the committee.

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

11. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Informal and Relative Family Child Care Home Registration Requirements, 78 CSR 20**, and responded to questions from committee members. The agency agreed to all counsel suggested modifications.

With leave of the committee, Lisa Ertl, Program Manager, WV DHHR, responded to questions from committee members

Senator Sypolt moved that the rule be laid over to a future meeting. The motion was adopted.

12. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Out-of-School Time Child Care Center Licensing Requirements, 78 CSR 21**, and responded to questions from the committee.

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

13. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Human Services, Pilot Program for Drug Screening of Applicants for Cash Assistance, 78 CSR 26**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Monica Hamilton, WV DHHR, responded to questions from committee members.

Delegate Fleischauer moved that the rule be laid over to a future meeting. The motion was adopted.

14. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by **WV Department of Labor, Zip line and Canopy Tour Responsibility Act, 42 CSR 10**, and responded to questions from the committee.

With leave of the committee, Michael Sams, Acting Deputy Director, WV Dept. of Labor responded to questions from committee members.

With leave of the committee, Melissa Richardson, Manager for the Division of Consumer Safety, WV Dept. of Labor, responded to questions from committee members

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

15. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Bedding and Upholstered Furniture, 42 CSR 12**, and responded to questions from the committee.

With leave of the committee, Tory Brewer, Director of Weights & Measure, WV Dept. of Labor, responded to questions from committee members.

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

16. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17**, and responded to questions from the committee.

With leave of the committee, Melissa Richardson, Manager for the Division of Consumer Safety, WV Dept. of Labor, responded to questions from committee members.

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

17. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Employer Wage Bonds, 42 CSR 33**.

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

18. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Registration of Service Persons and Service Agencies, 42 CSR 35**, and responded to questions from committee.

With leave of the committee, Michael Sams, Acting Deputy Director, WV Dept. of Labor, responded to questions from committee members.

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

19. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions, 42 CSR 36**, and responded to questions from the committee.

With leave of the committee, Tory Brewer, Director of Weights and Measures, WV Dept. of Labor, responded to questions from committee members.

Delegate Frich moved to lay the rule over to a future meeting. Senator Sybolt demanded division of the body.

The vote being five opposed and four in favor, the motion was rejected.

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

(Note: Delegate Frich requested to be recorded as a “no” vote.)

20. James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **WV Department of Accountancy, Board Rules and Rules of Professional Conduct, 1 CSR 1**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

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

21. James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **WV Athletic Commission, WV State Athletic Commission, 177 CSR 1**, and responded to questions from committee. The agency agreed to all counsel suggested modifications.

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

22. James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **WV Athletic Commission, Regulation of Mixed Martial Arts, 177 CSR 2**. The agency agreed to all counsel suggested modifications.

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

23. Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **WV Dept. of Agriculture, Inspection of Nontraditional Domesticated Animals, 61 CSR 23D**, and responded to questions from committee members. The agency agreed to all counsel suggested modifications.

With leave of the committee, Quinton Jones, Counsel, WV Dept. of Agriculture, responded to questions from committee members

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

24. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **WV Department of Labor, Elevator Safety Act, 42 CSR 21**, and responded to questions from the committee.

With leave of the committee, Melissa Richardson, Manager for the Division of Consumer Safety, WV Dept. of Labor, responded to questions from committee members.

Delegate Foster moved to amend the rule on page 5, subsection 8 to read as follows:

~~7.3.a.~~ 8.1. The fee for ~~the~~ an inspection of ~~each~~ an elevator by ~~the~~ a Division inspector ~~is~~ shall be \$100.00.

~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for the first follow-up inspection.

~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or operator's failure to make the required repairs or changes, the Division's inspection fees shall be

charged at the same rates as set forth in subdivisions ~~7.3.a.~~ subsections 8.1 and 8.2 of this rule for each subsequent follow-up inspection.

~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is sufficient grounds for the Division Commissioner shall to withhold the issuance of a certificate of operation until the fee is paid.

The amendment was adopted.

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

Delegate Frich moved to adjourn, the motion was adopted.