

## Legislative Rule-Making Review Committee

Minutes for Wednesday, September 19, 2018

## Senate Judiciary Committee Room

9:00 a.m. to 5:00 p.m.

### Senate

Maynard, Chair Present

Weld

Baldwin

Jeffries Present

Rucker Present

Sypolt Present

Carmichael, Nonvoting

### House

Sobonya, Chair Present

Frich Present

Butler Present

Fleischauer Present

Foster, G. Present

Rowe Present

Hanshaw, Nonvoting

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, September 19, 2018. 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: Arlie Hubbard, House Counsel; Charlie Roskovensky, House Counsel; Sarah Canterbury, Senate Counsel; Brian Casto, House Counsel; Marsha Kauffman, House Counsel; Jared Wyrick, Director; James Fuerhoff, House Clerk.

The first item on the agenda was an explanation from Jared Wyrick, Director, Legislative Rule Making Review Committee, regarding the updated rules and procedures for agency filing of rules with the Legislative Rule Making Committee. Delegate Sobonya moved to adopt the updated rules and procedures. The motion was adopted.

1. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Real Estate Appraiser Licensing and Certification Board, Requirements for Licensure and Certification, 190 CSR 2**, and responded to questions from the committee. The agency agreed to all counsel suggested modifications.

With leave of the committee, Patricia Pope, Executive Director, WV Real Estate Appraiser Licensing and Certification Board, addressed the committee and responded to questions.

With leave of the committee, Jennifer Akers, Assistant Attorney General, 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.

2. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Ambient Air Quality Standards, 45 CSR 8**, and responded to questions from committee members.

With leave of the committee, Jason Wandling, General Counsel, Department of Environmental Protection, addressed the committee and responded to questions.

With leave of the committee, Laura Jennings, Technical Analyst, Division of Air Quality, addressed the committee and responded to questions.

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

3. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Standards of Performance for New Stationary Sources, 45 CSR 16**, and responded to questions from committee members.

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

4. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Control of Air Pollution from Hazardous Waste Treatment, Storage, and Disposal Facilities, 45 CSR 25**, and responded to questions from committee members.

With leave of the committee, Laura Jennings, Technical Analyst, Division of Air Quality, addressed the committee and responded to questions.

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

5. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Emission Standards for Hazardous Air Pollutants, 45 CSR 34**, and responded to questions from committee members.

With leave of the committee, Laura Jennings, Technical Analyst, Division of Air Quality, addressed the committee and responded to questions.

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

6. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Repeal of Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans, 45 CSR 36**.

With leave of the committee, Laura Jennings, Technical Analyst, Division of Air Quality, addressed the committee and responded to questions.

With leave of the committee, William Durham, Director, Division of Air Quality, addressed the committee and responded to questions.

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

7. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Repeal of Provisions for Determination of Compliance with Air Quality Management Rules, 45 CSR 38.**

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

8. Brian Casto, House Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Cross State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions, 45 CSR 43,** and responded to questions from the committee

With leave of the committee, William Durham, Director, Division of Air Quality, addressed the committee and responded to questions.

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

9. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Division of Labor, Wage Payment and Collection, 42 CSR 5,** and responded to questions from the committee.

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

10. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Division of Labor, Child Labor, 42 CSR 9,** and responded to questions from the committee.

With leave of the committee, Elizabeth Farber, Assistant Attorney General, 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.

11. Marsha Kauffman, House Counsel, explained her abstract on the rule proposed by the **Division of Labor, Regulation of Heating, Ventilating, and Cooling Work, 42 CSR 34,** and responded to questions from the committee.

With leave of the committee, Elizabeth Farber, Assistant Attorney General, addressed the committee and responded to questions.

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

12. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Commercial Whitewater Outfitters, 58 CSR 12**, and responded to questions from the committee.

With leave of the committee, Lt. Colonel David Trader, Division of Natural Resources, 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.

13. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV and ORV's, 58 CSR 36**, and responded to questions from the committee.

Brad Reed, Deputy Chief, West Virginia State Parks, 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.

14. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Pursuant to Written Agreement, 110 CSR 50C**, and responded to questions from the committee.

Henry Yates, Counsel, West Virginia Tax Department, addressed the committee and responded to questions.

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

15. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Agreement Between Tax Division and Division of Environmental Protection, 110 CSR 50A**.

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

16. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Agreement Between Tax Division and the Alcohol Beverage Control Administration, 110 CSR 50B**.

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

17. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Agreement Between Tax Division, Commissioner of Labor, and the Commissioner of Insurance, 110 CSR 50D**.

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

18. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Agreement Between Tax Department and West Virginia Lottery, 110 CSR 50E**.

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

19. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **WV Tax Department, Exchange of Information Agreement Between Tax Division and the State Fire Marshal, 110 CSR 50F**, and responded to questions from the committee.

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

Jared Wyrick, Director, Legislative Rule Making Review Committee, addressed the committee and gave a brief overview of the legislative and emergency rule making authority as it relates to the West Virginia Lottery Sports Wagering Rule, and responded to questions from the committee.

20. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Licensure and Practice of Pharmacy, 15 CSR 1**, and responded to questions from the committee.

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

21. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Registration of Pharmacy Technicians, 15 CSR 7**.

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

22. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Regulations Governing Pharmacy Permits, 15 CSR 15**.

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

23. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Regulations Governing Pharmacists, 15 CSR 16**, and responded to questions from the committee.

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

24. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Dietitians, Licensure and Renewal Requirements, 31 CSR 1**, and responded to questions from the committee.

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.

25. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Osteopathic Medicine, Licensure Procedures for Osteopathic Physicians, 24 CSR 1**.

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

26. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Licensure and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons, 11 CSR 1A**, and responded to questions from the committee.

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

27. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Licensure and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents, and Fellows 11 CSR 12**, and responded to questions from the committee.

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

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

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