

**Legislative Rule-Making Review Committee**

**Senate Judiciary Committee Room**

**Minutes for Tuesday, October 1, 2024**

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

**Senate**

**House**

Woodrum, Chair	Present	Smith, Chair	Present
Caputo	Present	Fehrenbacher	Present
Jeffries	Present	Hornby	Present
Queen	Present	Jeffries	Present
Roberts	Present	Kelly	Present
Weld	Present	Rowe	Present
Blair, Nonvoting		Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Tuesday, October 1, 2024. The meeting was called to order by the Chair, Delegate Smith. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Jeff Johnson, Senate Counsel; Will Valentino, House Counsel; Carl Fletcher, Senate Counsel; D. J. Morgan, House Counsel; Max Wilkinson, House Counsel; Joshua Wiseman, House Counsel; J. A. Curia, Senate Counsel; Cindy Dellinger, Senate Counsel; Brian Casto, House Counsel; Phillip Childs, Joint Committee Counsel; Adair Burgess, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Smith recognized Senator Woodrum for the purpose of a motion to approve the minutes from August 27, 2024. The motion was adopted.

1. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Licensure and Practice of Pharmacy*, [15 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

2. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Rules of the Board of Pharmacy for the Uniform Controlled Substance Act*, [15 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

3. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Regulations Governing Pharmacy Permits*, [15 CSR 15](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

4. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Division of Protective Services, *Ranks and Duties of Officers Within the Membership of the Division*, [99 CSR 02](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

5. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Police, *Cadet Selection*, [81 CSR 02](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

Senator Caputo requested to be recorded as voting no.

6. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Police, *West Virginia State Police Career Progression System*, [81 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

7. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **State Emergency Response Commission, *Emergency Planning Grant Program*, [55 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

8. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Motor Vehicles, *Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges*, [91 CSR 05](#)**, and responded to questions from the Committee.

With leave of the Committee, Jennifer Rutherford, Division Manager of Legal Service for the Department of Motor Vehicles, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

9. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Motor Vehicles, *Disclosure of Information from the Files of Division of Motor Vehicles*, [91 CSR 08](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

10. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Motor Vehicles, *Handicapped Placards*, [91 CSR 10](#)**.

With leave of the Committee, Jennifer Rutherford, Division Manager of Legal Service for the Department of Motor Vehicles, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

11. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Appraiser and Licensing and Certification Board, Requirements for Licensure and Certification, [190 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

12. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Appraiser and Licensing and Certification Board, Renewal of Licensure or Certification, [190 CSR 03](#)**, and responded to questions from the Committee.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

13. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Appraiser and Licensing and Certification Board, Requirements for Registration and Renewal of Appraisal Management Companies, [190 CSR 05](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

14. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Commission, Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, [174 CSR 01](#)**.

Senator Woodrum requested a Rule 43. Chairman Smith stated that he was a member of a class and was permitted to vote.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

15. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Board of Registered Nurses, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, [19 CSR 03](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

16. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *State Aid for Fairs and Festivals*, [61 CSR 03](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

17. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *Inspection of Meat and Poultry*, [61 CSR 16](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

18. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *Licensing and Other Fees*, [61 CSR 18](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

19. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *WV Manufacture-Grade Milk*, [61 CSR 19](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

20. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Department of Agriculture, *Employment Reference and Inquiries and Background Checks*, [61 CSR 20](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

21. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Department of Agriculture, *West Virginia Fish Processing Rules*, [61 CSR 23A](#).**

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

22. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by **Department of Agriculture, *Rural Rehabilitation Loan Program*, [61 CSR 33](#).**

On motion of Senator Woodrum, the rule was approved as filed.

23. Max Wilkinson, House Counsel, explained her abstract on the proposed rule **Division of Natural Resources, *Transporting and Selling Wildlife Pelts and Parts*, [58 CSR 16](#).**

On motion of Senator Woodrum, the rule was approved as filed.

24. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Division of Natural Resources, *Prohibitions When Hunting and Fishing*, [58 CSR 47](#).**

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

25. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Division of Natural Resources, *General Hunting*, [58 CSR 49](#).**

On motion of Senator Woodrum, the rule was approved as filed.

26. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Division of Natural Resources, *Special Waterfowl Hunting*, [58 CSR 58](#).**

On motion of Senator Woodrum, the rule was approved as filed.

27. Max Wilkinson, House Counsel, explained her abstract on the proposed rule by the **Division of Natural Resources, *Falconry*, [58 CSR 65](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

28. Joshua Wiseman, House Counsel, explained her abstract on the proposed rule by the **Board of Barbers and Cosmetologists, *Operation of Barber, Cosmetology, Nail Technology, Aesthetic, Hair Styling, and Waxing Salons and Schools*, [3 CSR 05](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

29. Joshua Wiseman, House Counsel, explained her abstract on the proposed rule by the **Board of Barbers and Cosmetologists, *Schedule of Fees*, [3 CSR 06](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

30. Joshua Wiseman, House Counsel, explained her abstract on the proposed rule by the **Board of Barbers and Cosmetologists, *Schedule of Fines*, [3 CSR 07](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

31. Joshua Wiseman, House Counsel, explained her abstract on the proposed rule by the **Office of Technology, *Plan of Operation*, [163 CSR 04](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

32. Joshua Wiseman, House Counsel, explained her abstract on the proposed rule by the **Office of Technology, *Telecommunication Payments Made by the State Spending Units*, [163 CSR 05](#)**, and responded to questions from the Committee.

With leave of the Committee, Meghan Shears, Chief Financial Officer for the Office of Technology, responded to questions from the Committee.

Chairman Smith requested additional data from the Office of Technology.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

33. Joshua Wiseman, House Counsel, explained his abstract on the proposed rule by the **Parkways Authority, *Rules Supporting Electronic Toll Collection and Enforcement*, [184 CSR 05](#)**, and responded to questions from the Committee.

With leave of the Committee, Nate Tawney, General Counsel for the Department of Transportation, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

34. J. A. Curia, Senate Counsel, explained his abstract on the proposed rule by the **Public Defender Services, *Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys*, [89 CSR 01](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

35. J. A. Curia, Senate Counsel, explained his abstract on the proposed rule by the **State Auditor, *Rules for Private Trust Companies*, [155 CSR 12](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

36. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Division of Highways, Construction and Reconstruction of State Roads, [157 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

37. Cindy Dellinger, Senate Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, Public Water Systems, [64 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

38. Cindy Dellinger, Senate Counsel, explained his abstract on the proposed rule by the **Bureau for Health, Fatality and Mortality Review Team, [64 CSR 29](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the rule was approved as filed.

39. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Tobacco Products in Vending Machines, [175 CSR 09](#)**.

On motion of Delegate Fehrenbacher, the rule was approved as filed.

40. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Nonintoxicating Beer Licensing and Operations Procedures, [176 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

41. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Tax, Alternative Resolution of Tax Disputes, [110 CSR 10G](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

Chairman Smith announced that the next Legislative Rule-Making Review Committee meetings will be held on November 13<sup>th</sup>.

With no further business to come before the Committee, Senator Woodrum moved to adjourn. The motion was adopted.