

NOVEMBER 17

AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

SUNDAY, NOVEMBER 17, 1985

10:00 - 12:00 p.m.

SENATE ROOM 265

1. Approval of Minutes - October 29, 1985
2. REVIEW OF LEGISLATIVE RULES:
 - a. State Tax Department - Proposed rules and regulations governing the operation of a statewide electronic data processing system network, to facilitate administration of the ad valorem property tax on real and personal property
 - b. Workers' Compensation - Proposed rules and regulations relating to the administration of the Coal-Workers' Pneumoconiosis Fund
 - c. Workers' Compensation - Standards for Medical Examination in Occupational Pneumoconiosis Claims
 - d. West Virginia Library Commission - Grace period for return of library materials
 - e. Department of Natural Resources - Proposed rules and regulations relating to Hazardous Waste Management: Small Quantity Generators and Waste Minimization Certification
3. Other Business

MONDAY, NOVEMBER 18, 1985

1:00 - 3:00 p.m.

HOUSE OF DELEGATES CHAMBER

PUBLIC HEARING

The legislative rule proposed by the Board of Examiners of Registered Professional Nurses relating to requiring that, beginning in 1992, nurses obtain a baccalaureate degree as a minimum for licensure as a registered professional nurse

Sunday, November 17, 1985

Legislative Rule-Making Review Committee
(Code §29A-3-10)

10:00 - 12:00 p.m.

Dan Tonkovich
ex officio nonvoting member

Joseph P. Albright,
ex officio nonvoting member

Senate

House

Williams, R., Chairman
Boettner
Rogers
Tomblin
Harman
Shaw

Casey, Chairman
Knight
Schifano
Wiedebusch
Shaffer
Springston

Also present: Delegate Phyllis Given

The meeting was called to order by Mr. Williams, Co-Chairman,

The minutes of the October 29, 1985, meeting were approved.

Mr. Shaffer told members of the Committee that there was a hearing the next day on the legislative rule proposed by the Board of Examiners of Registered Professional Nurses which would require that, beginning in 1992, all nurses must have a baccalaureate degree in order to be licensed in this State. He stated that he feels that members of the Committee need more information on the rule. He moved that the Joint Committee on Government and Finance be asked to create a study concerning the need for the proposed rule. After discussion on the motion, the motion failed.

Mike Mowery, Counsel, brought the Committee up to date on the proposed rule by the Tax Department relating to the operation of a statewide electronic data processing system network, to facilitate administration of the ad valorem property tax on real and personal property. He informed the Committee that no representative of the Tax Department was able to be present at the meeting. Also, it was noted that no representative of

of the Assessors was in attendance.

Upon motion of Mr. Shaffer, properly seconded and adopted, the Committee postponed action on the proposed rule until its December meeting. Staff was directed to contact the Tax Department and the Assessors Association and request the attendance of a representative of each at the December meeting.

Debra Graham, Associate Counsel, told members of the Committee that a letter had been received from the Workers' Compensation Commissioner relating to the information requested by the Committee at its last meeting regarding the proposed rules relating to the administration of the Coal-Workers' Pneumoconiosis Fund. William Mitchell, Senior Counsel of the Workers' Compensation Fund, reviewed the information in the Commissioner's letter.

After extensive discussion, Mr. Boettner moved that the rules be amended to allow any company who wishes to withdraw and who qualifies for self-insurance to request, within ninety days, the excess premiums under the same standards used for refunds prior to the new rule. He also expressed objection to the promulgation of emergency rules to make substantive policy changes. Mr. Boettner told members of the Committee that there is a need to decide on the effective day of the ninety-day window provision and explained the options available.

Mr. Knight moved that the proposed rules be laid over until the December meeting. After further discussion on the amendment, and without objection, Mr. Knight withdrew his motion.

Mr. Boettner restated his motion to state that the Committee direct the Commissioner to amend the emergency rules currently in effect to allow a period of ninety days during which subscribers to the Fund may apply for refund of unearned excess premiums under the same terms and conditions of prior refunds, with the decision on whether to approve the proposed legislative rule to be held over until the Committee's December meeting, and to be based upon action taken by the Commissioner on the emergency rules. The Commissioner is also to be requested to provide information to the Committee on what effect the anticipated refunds would have on the Fund. The motion, as restated, was adopted.

Mr. Mowery reviewed his abstract on the rule proposed by the Workers' Compensation Commissioner relating to the standards for medical examination in Occupational Pneumoconiosis Claims. Mr. Williams called on Mike Burdiss, WV COMPAC Coordinator, to state the UMWA's position on the effect of the altitude factor on blood-gas studies. He then called on Mr. Mitchell to discuss the Commissioner's viewpoint. Mr. Mitchell distributed a letter from the Commissioner containing the Occupational Pneumoconiosis Board's medical opinion regarding the altitude factor.

Mr. Shaffer moved that the rule proposed by the Workers' Compensation Commissioner be approved.

Mr. Knight stated that the Committee needed additional information, and on that basis, moved that any action be delayed until the December meeting at which time a presentation would be made by both sides of the issue. Without objection, Mr. Shaffer

withdrew his motion that the rule be approved. Mr. Knight's motion was adopted. Staff was directed to invite representatives from each side of the issue to address the Committee at its December meeting.

Ms. Graham explained the rule proposed by the Library Commission relating to grace periods for return of library materials. Upon motion by Mr. Knight, properly seconded and adopted, the Committee approved the proposed rule.

Ms. Graham briefly reviewed her abstract on the rule proposed by the Department of Natural Resources relating to Hazardous Waste Management: Small Quantity Generators and Waste Minimization Certification. Mr. Ron Shipley, State Hazardous Waste Coordinator, Department of Natural Resources, gave a brief explanation of the proposed rule.

Upon motion of Mr. Casey, properly seconded and adopted, the Committee voted to approve the proposed rule.

Mr. Boettner told members of the Committee that he would like the Committee Staff to look at the issue of the use of emergency rules to make major policy decisions. He said he would like staff to prepare legislation which would allow the Committee to amend emergency rules or which would require agencies to file emergency rules with the Committee prior to putting them into effect.

Mr. Williams told Mr. Boettner that staff had already been directed to work on the problem.

Mr. Casey told members of the Committee that it may be necessary for the Committee to meet at times other than during

the interim period in order to complete the Committee's review of all proposed rules. He moved that the Committee ask the Joint Committee on Government and Finance for authorization to meet when necessary at times other than during the interims. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: Nov. 17, 1985

TIME: 10:00 a.m.

NAME	Present	Absent	Yeas	Nays
Albright, Joseph P.				
Casey, James M.	✓			
Knight, Thomas A.	✓			
Schifano, Larry E.				
Wiedebusch, Larry	✓			
Shaffer, Charles R.	✓			
Springston, Benjamin	✓			
Tonkovich, President				
Williams, Ralph D.	✓			
Boettner, John "Si"	✓			
Rogers, J. Robert	✓			
Tomblin, Earl Ray	✓			
Harman, C. N.	✓			
Shaw, Michael	✓			
TOTAL				

RE: ATTENDANCE - November Interims

Also present: Del. Phyllis Given

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: _____

DATE: _____

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
BRENT BENJAMIN	PO BOX 1791 CHARLESTON WV 25326	ROBINSON & McELWEE	X
W.A. MITCHELL	CATHS.	WCF	
Harold G. Cooper	Box 7 MULLENS WV	UMWA	
B. M. Rose	Box 363 MULLENS WV	UMWA	
James Willis	P.O. Box 1791, Chas.	Robinson + McElwee	
Fred St. John	PRINCETON, WV	H & F Mining, Inc.	X
Harold St. John	Mullens WV	UMWA	
Robert E. Chalen	Box 388, Blaine, W.V. 25026	U. M. W. A.	
Nelson Starcher	Box 81 Ida May, WV 25076	UMWA	
RONALD L. CHAPMAN	Box 334 RIPLEY, WV	WCF	
Gary G. White	Charleston	W.Va. Coal Association	X

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE Leg. Rule-Making Review Committee

DATE: November 17, 1985 (Sunday)

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Mike Buedoss	1101 Low Gap Road ^{Pineast}	UMWA	X
John G. Lucas	Box 192 Glen Fork, W.Va.	U. M. W. A	
Floyd C. Cox	Drawer 1560 ^{Pineville}	UMWA	
James R. Lucas	Box 26 - Ravensliff	UMWA	
Larry P. Hayden	KEYROCK RT. BOX 6 PINEVILLE, W. VA. ²⁴⁹⁷⁴	U. M. W. A.	
Pamela Hayden	Keyrock Rt. Box Pineville, W. Va.	UMWA	
James Branson	1526 Huron Terr, Chas., W. Va. 25311	U. M. W. A	
Russell Stalnaker	Box 455 Shinnston W. Va.	U. M. W. A.	
Robert Taylor	Box 321 Fairdale W. Va.	UMWA	
Ralph C. Drummond	Rt 2 Box 77 Ft. Burgin, W. Va.	UMWA	
Gerrig, Conde	Box 102 Canal, W. Va.	UMWA	
David B. Saxon	Rt 2 Box 322D Fairview WV 26570	UMWA	
Loretta Tucker	R-2 Box 400 Summersville WVA 26651	UMWA	
Lee Tucker	R-2 Box 400 Summersville WVA	UMWA	
David Smith	Rt #3 Box 242 Beckley, WV 25861	UMWA	
Bill Bailey	Box 772 Crab Orchard WV 25827	UMWA	X
Freddie Mays	20 Oakwood Dr. Madison	UMWA	
Lana Mays	20 Oakwood Dr. Madison	UMWA	

NOVEMBER 18,

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

SUNDAY, NOVEMBER 17, 1985

10:00 - 12:00 p.m.

SENATE ROOM 265

1. Approval of Minutes - October 29, 1985
2. REVIEW OF LEGISLATIVE RULES:
 - a. State Tax Department - Proposed rules and regulations governing the operation of a statewide electronic data processing system network, to facilitate administration of the ad valorem property tax on real and personal property
 - b. Workers' Compensation - Proposed rules and regulations relating to the administration of the Coal-Workers' Pneumoconiosis Fund
 - c. Workers' Compensation - Standards for Medical Examination in Occupational Pneumoconiosis Claims
 - d. West Virginia Library Commission - Grace period for return of library materials.
 - e. West Virginia Nursing Home Administrators Licensing Board - Proposed rule and regulations governing nursing home administrators
 - f. Department of Natural Resources - Proposed rules and regulations relating to Hazardous Waste Management: Small Quantity Generators and Waste Minimization Certification
3. Other Business -----

MONDAY, NOVEMBER 18, 1985

1:00 - 3:00 p.m.

HOUSE OF DELEGATES CHAMBER

PUBLIC HEARING: The legislative rule proposed by the Board of Examiners of Registered Professional Nurses relating to requiring that, beginning in 1992, nurses obtain a baccalaureate degree as a minimum for licensure as a registered professional nurse

Monday, November 18, 1985

(PUBLIC HEARING)

1:00 - 3:00 p.m.

Legislative Rule-Making Review Committee
(Code §29A-3-10)

Dan Tonkovich,
ex officio nonvoting member

Joseph P. Albright,
ex officio nonvoting member

Senate

Williams, R., Chairman
Boettner (absent)
Rogers (absent)
Tomblin
Harman (absent)
Shaw

House

Casey, Chairman
Knight
Schifano
Wiedebusch
Shaffer (absent)
Springston (absent)

Also present:

Senator S. Cook
Senator S. Lucht
Senator G. Ash

Delegate J. Martin
Delegate B. Hatfield
Delegate B. Brown
Delegate T. Blatnik
Delegate M. Shiflet
Delegate P. Given
Delegate P. White
Delegate S. Rogers
Delegate R. Givens
Delegate A. Ryan
Delegate Wm. Nicely

Mr. Williams, Co-Chairman, called the Public Hearing to order.

The Public Hearing was called regarding the proposed legislative rule by the Board of Examiners of Registered Professional Nurses relating to requiring that, beginning in 1992, nurses obtain a baccalaureate degree as a minimum for licensure as a registered professional nurse.

Those speaking in favor of the proposed rule and regulations were:

Ruth Pearson, WV Board of Examiners for RN's
Laura D. Leslie, WV Nurses Association
Phyllis Higley, self
Dora Drake, Wheeling Hospital
Jane Alderman, HMS Home Health Agency
Lena Adams, Cabell-Huntington Hospital
Valli Huffman, LPNAWA, Inc.

Those speaking in opposition to the proposed rule and regulations
were:

James J. Young, West Virginia Board of Regents
Leanne Deman, St. Marys Hospital School of Nursing & self
Twila Wallace, Nurses for four levels
Julia Bonnah, Free Standing Community Colleges
Rose Brafford, Southern WV Community Colleges
Sara Smith, Ohio Valley General Hospital School of Nursing
Ruth B. Jones, Self & Diploma Nurses
Ken Rutledge, West Virginia Hospital Association
Clarence Burdette, WV Department of Education
Walt Auvil, Esquire, WV Attorney General

Mr. Casey, Co-Chairman, who had assumed the Chair, opened the hearing
to questions by members of the Committee.

The Public Hearing was adjourned.



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Room E-228, State Capitol
Charleston, West Virginia 25305

October 15, 1985

Senator Ralph D. Williams, Co-Chairman
Delegate James M. Casey, Co-Chairman

M.E. Mowery, Counsel
Debra A. Graham, Associate Counsel
Phone (304) 340-3143

NOTICE OF PUBLIC HEARING

RE: The legislative rule proposed by the Board of Examiners of Registered Professional Nurses relating to requiring that, beginning in 1992, nurses obtain a baccalaureate degree as a minimum for licensure as a registered professional nurse

The Legislative Rule-Making Review Committee will conduct a public hearing on the proposed rule on Monday, November 18, 1985, from 1:00 - 3:00 p.m., in the House of Delegates Chamber of the State Capitol, Charleston, West Virginia. The hearing is being conducted to assist the Committee in its statutory duty to make a recommendation to the Legislature regarding whether or not the proposed rule should be approved by the Legislature.

A total of one hour will be allocated to the proponents and one hour will be allocated to the opponents. In order to make the most efficient use of the time allotted and to ensure that the Committee is made fully aware of all of the issues without unnecessary repetition, each side should designate one or more persons to present that side's opinions.

The Committee requests that persons wishing to speak at the hearing provide written copies of their statement.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: November 18, 1985

TIME: 1:00 p.m.

NAME	Present	Absent	Yeas	Nays
Albright, Joseph P.				
Casey, James M.	✓			
Knight, Thomas A.	✓			
Schifano, Larry E.	✓			
Wiedebusch, Larry	✓			
Shaffer, Charles R.				
Springston, Benjamin				
Tonkovich, President				
Williams, Ralph D.	✓			
Boettner, John "Si"				
Rogers, J. Robert				
Tomblin, Earl Ray	✓			
Harman, C. N.				
Shaw, Michael	✓			
TOTAL				

RE: Public Hearing - Legislative Rule proposed by the Board of Examiners
of Registered Professional Nurses relating to requiring that, beginning
in 1992, nurses obtain a baccalaureate degree as a minimum for licensure
as a registered professional nurse

*Also Present: Del. J. Martin Del. White Senator Cook
 Del. B. Hatfield Del. Rogers Sen. Lucht
 Del. B. Brown Del. Givens Sen. Ash
 Del. T. Blatnik Del. Ryan
 Del. M. Shiflet Del. Nicely
 Del P. Given*

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REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Public Hearing - 1-3 pm.
Reg. Prof Nurses

COMMITTEE: Leg. Rule-Making Review Committee DATE: Nov. 18, 1985

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
1:02 Ruth Pearson	5309 Forest Harts Huntington WV 25705	WV Board of Examiners for RN's	Yes
1:06 Laurie D. Leslie	Rt. 1, Box 33, Rinerdale Wayfield, W.V. 25213	WV Nurses Association	Yes
1:29 Phyllis Higley	Marshall Univ School of Nrsng	self	Yes
1:34 Dora Drake	Wheeling, W.V.	Wheeling Hosp	Yes
1:57 Mary Jo Butler	5414 VIRGINIA AVE SE CHARLESTON WV 25304	W.V. L. School of Nursing	X
2:02 Jane Fotos	633 SOTERRAGE Huntington WV	nursing & self	X
2:09 Jean Roy	Rt. 1 Box 61 Philippi, W.V.	W.V. L. N.	X
2:09 Joan Alderman	RD # 2433 Charlsburg	NMS Home Health Agency	Yes
Louie Adams	1709-15th Ave. Hgtn. WV	Cabell-Huntington Hospital	Yes
Stephen Shride	3 Mockingbird Milton WV	Cabell Nursing Hosp	X
Devin Morrison	60 Keeneland Drive	WVNA	X
Cheryl Klump	Box 524 W. Union	WV Student N.A.	X
Nellie Huffman LPN	902 Adams Dr. Chas	LPNAWVA, Inc	Yes
Nancy M. Parr	Rt. 4, Box 334-e Chas.	School Nurse - Kan. Co Edged	X
Barnette Thome	2106 Rowanwood Blvd. East Charleston WV	Board of Examiners for R.N.	X

Public Hearing 1-3 p.m.
Reg. Prof. Nurses



WALT AUVIL
Assistant Attorney General

C
RE
E: Nov. 18, 1985

Con

9 mins
6

COMMITTEE: Leg Rule-Making

CHARLIE BROWN
Attorney General
Charleston, WV 25305

Telephone
304/348-2662
2021

NAME

REPRESENTING

PLEASE CHECK (X)
IF YOU DESIRE TO
MAKE A STATEMENT

Please print or write plainly

✓ James J. Young	Charleston, WV.	WEST VIRGINIA Board of REGENT	X
✓ Reganne DEMAS	2900 First Ave Huntington, W. Va	St. Mary Hosp School of Nsg & Self	X
✓ Twila Wallace	10307 846 Lewisburg, W.V.	Nurses for 4 Levels	X
✓ Julia Bernick	156 W/VCC	FREE STANDING Community Colleges	X
✓ Rose Bradford	SWCC	Southern WV CC	X
✓ Sara Smith	Wheeling, W. Va	O. V. G. H. Sch of Nsg	X
✓ Ruth B. Jones	Huntington, W. Va	Self - diploma nurse	X
Karen Martin	Barboursville WV	St. Mary's School of Nsg	
Lepie Bailey	Huntington, WV Cabell, County	St. Mary's Sch. of Nursing	
Janet Coulter	Huntington, WVA Cabell Co.	Myself	
✓ Andrea Thomas	Huntington WV	St. Mary's Sch of Nursing	
Barbara Stevens	Hntg WV	St. Mary's Sch Nsg	
Faye Cleavage	Hntg WV	St. Mary's Sch of Nsg	
✓ Ken Rutledge	Charleston W.V.	West Virginia Hosp. Assoc	X
✓ Charlene Purditt	" "	WVA Dept of Ed	X
Walt Auvil	Chas. WV.	Atty Gen	X

6/3
4/10

20-20