

SEPTEMBER 15



TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

September 15, 1987 - 11:00 p.m.

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meeting August 9, 1987
2. REVIEW OF LEGISLATIVE RULES:
 - a. Department of Agriculture - Schedule of Charges for Inspection Service: Fruit, Series 8B
 - b. Department of Agriculture - Animal Disease Control
 - c. Department of Energy - Rules and Regulations Governing Roof Control
 - d. Department of Highways - Transportation of Hazardous Wastes upon the Roads and Highways.
 - e. Insurance Commissioner - Medical Malpractice Loss Experience and Loss Experience Annual Reporting, Series XXIII
 - f. Secretary of State - Standard size and Format for Rules and Procedures for Publication of the State Register or Parts of the State Register
 - g. Dept. of Motor Vehicles - Denial, Suspension, Revocation, or Renewal of Driving Privileges, Series 5
 - h. Bd. of Examiners of Land Surveyors - Rules and Regulations for the Practice of Land Surveying in West Virginia
 - i. Racing Commission - Thoroughbred Rules, Series 1
 - j. Department of Natural Resources - WV/NPDES Regulations for Coal Mining Facilities
3. Other Business:

September 15, 1987

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

11:00 a.m.

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Tucker, Chairman
Boettner
Holmes (absent)
Tomblin
Harman
Hylton

Knight, Chairman
Burk
Murphy
Givens
Stiles
Pritt (absent)

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

The minutes of the August 9, 1987, meeting were approved.

Debra Graham, Associate Counsel, reviewed the rule proposed by the Department of Agriculture, Schedule of Charges For Inspection Service: Fruit, Series 8B. Gus Douglass, Agriculture Commissioner, answered questions from the Committee.

Mr. Givens moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Department of Agriculture, Animal Disease Control. She stated that she had suggested several minor modifications to which the agency had agreed. Commissioner Douglass discussed the rule and answered questions from the Committee.

Mr. Murphy moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham briefly reviewed the rule proposed by the Department of Energy, Rules and Regulations Governing Roof Control. Mr. Knight asked Roger Hall, Administrator, Department of Energy, whether or not the rule had been further modified to take into account his concern regarding the ability of the Director of the Division of Mines and Minerals to allow roof control plans which do not comply with the proposed rule. Mr. Hall read language from the modified rule that addressed Mr. Knight's concern. He also answered questions on the proposed rule.

Mr. Knight asked if there was any objection to allowing Mike Burdiss, State Coordinator, WV COMPAC, to address the Committee on the proposed rule. There was no objection. Mr. Burdiss asked

members of the Committee to have the proposed rule lie over until the Committee's October meeting. He stated that both sides had reached an agreement and would like for the Coal Mine Health and Safety Technical Review Board to study the proposed rule. He responded to questions from the Committee.

Mr. Tucker moved that the proposed rule lie over until the Committee's October meeting. The motion was adopted.

Ms. Graham discussed her abstract on the rule proposed by the Department of Highways, Transportation of Hazardous Wastes upon the Roads and Highways. She stated that the agency had agreed to several minor modifications. She also pointed out that the West Virginia Manufacturers' Association had filed extensive comments expressing concerns regarding the proposed rule. Jim Youngblood, of the Department of Highways, discussed the West Virginia Manufacturers' Association comments and responded to questions. He was asked by the Committee, at the request of Mr. Boettner and Mr. Murphy, to consider modifying the proposed rule by requiring that local authorities be notified of discharges, requiring that the transporter collaborate with local authorities to assure that the clean-up is complete, setting speed limits and certain routes for transportation and requiring certain levels of insurance. Mr. Youngblood agreed to consider the modifications prior to the next meeting.

Mr. Hylton moved that the proposed rule lie over to the October meeting. The motion was adopted.

Mike Mowery, Committee Counsel, reviewed the draft of his abstract on the Racing Commission, Thoroughbred Rules, Series 1. Mr. Harry Buch, Chairman of the Racing Commission, addressed the proposed rule and answered questions. The staff was directed to notify Mr. Dale Baird, President, H.B.P.A., Mountaineer Park, Chester, WV 26034, of next month's meeting.

Mr. Murphy moved that the proposed rule lie over until the October meeting. The motion was adopted.

Mr. Knight asked Mr. Buch if the Commission planned to report to this Committee, as required by statute, on the implementation of the Dog Track bill. Mr. Buch responded that he certainly would be willing to present any available facts and figures to the Committee. Mr. Knight requested that he report to the Committee at its December Interim meeting.

Mr. Knight informed the Committee that he had received a letter from Cheryl Davis, Counsel for the Insurance Commission, stating that due to a meeting in Pittsburgh the Commissioner and his staff would be unable to attend the meeting and requested that the rule proposed by the Insurance Commissioner, Medical Malpractice Loss Experience and Loss Experience Annual Reporting, Series XXIII, lie over until the October interims.

Mr. Tucker moved that the proposed rule lie over. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Secretary of State, Standard Size and Format for Rules and Procedures for Publication of the State Register or Parts of the State Register. Ms. Graham stated that she had suggested several modifications to which the agency had agreed. Rich Hartman, Director, Administrative Law Division, explained the proposed rule and the reasons therefor.

Mr. Burk moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Givens expressed appreciation for the Rule Making Guide and Primer which was distributed by the Secretary of State. Mr. Hartman explained the material contained in the Guide.

Mr. Mowery reviewed his abstract on the rule proposed by the Department of Motor Vehicles, Denial, Suspension, Revocation or Renewal of Driving Privileges, Series 5. He explained that the agency had submitted an advance copy of the rule, therefore, the modifications which he suggested had been incorporated in the proposed rule as filed.

Wyatt Hanna, Counsel for the Department of Motor Vehicles, introduced Ron Bolen who spoke to Section 14. Mr. Hanna and Mr. Bolen answered questions from the Committee.

Mr. Murphy moved that the rule be amended to require that six points be placed against a driver's license for passing a school bus while it is discharging students. The motion was adopted.

Mr. Murphy moved that the rule be amended to require that two points be placed against a driver's license for having defective equipment more than one time in one year. Following discussion, Mr. Murphy withdrew his motion.

Mr. Givens moved that the proposed rule be approved as amended unless the agency files a modified rule incorporating the amendments in which case the rule be approved as modified. The motion was adopted.

Ms. Graham discussed her abstract on the rule proposed by the Department of Natural Resources, WV/NPDES Regulations for Coal Mining Facilities. Dennis Tracey, Special Assistant to the Director of the Department of Natural Resources, stated that the rule merely adopts the federal changes and responded to questions from the Committee. Jeffrey Herrold, Regulatory Affairs Division, Department of Natural Resources, also answered questions from the Committee.

Mr. Hylton moved that the proposed rule be approved. The motion was adopted.

Mr. Knight stated that due to the absence of a quorum and the lack of time that the rule proposed by the Board of Examiners of Land Surveyors, Rules and Regulations for the Practice of Land Surveying in West Virginia, would lie over until the October Meeting.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 9-15-87

TIME: 11:00 A.M.

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.	✓			
Burk, Robert W., Jr.	✓			
Givens, Roy E.	✓			
Pritt, Charlotte				
Stiles, Floyd R.	✓			
Murphy, Patrick H.	✓			
Tonkovich, Dan, President				
Tucker, Larry A.	✓			
Boettner, John "Si"	✓			
Harman, C. N.	✓			
Holmes, Darrell E.				
Hylton, Tracy W.	✓			
Tomblin, Earl Ray	✓			
TOTAL				

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule-Making Review

DATE: September 15, 1987

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
LOIS GRAHAM	240 CAPITOL ST. Charleston	W.V. RACING Comm.	
DOMINICK F. GAUDIO	Wheeling Downs, Wheeling	W-V RACING Comm.	
JOSEPH F. CUOMO	Falls Church, W. Va.	W V RACING Comm.	
LEONARD S. COLMAN	1500 One Valley Sq	Baltimore Goodwin	
JOHN BEECH	1948 S.W. 16 TH ST ^{FLA} MIAMI	JOCKEYS GUILD INC	
FRED KRATZ	RD #1, BOX T-114 CHARLESTOWN ^{W.VA}	JOCKEYS GUILD, INC.	✓
John Vandenburg	CHAS	WV. Hosp. ASSC.	
Harry L. Bush J. Herold	W. Va. Charleston	WV Racing Comm. INV INR	
Jim Youngblood	1900 Wash. St. E.	W.V.-DOH.	
D. J. Bunker	Charleston	UMWA	✓
William Bitts Willie	BOX 126 Pratt, WV 25162	UMWA	
Terry Jarley	1615 Wash St. East	Board of Coal Mine Health & Safety	
Regent Hall	1615 Wash St E.	Dept of Emergency	
Richard O. Hoffman	State Capital	Sec. of State	
Archie Dubois	Chas	Cal. Gas Trans.	
M. B. Green	"	CHP	
B. Green	"	W.V.M.R.P.	

