

AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

MONDAY, JUNE 15, 1987 - 3:00 p.m.

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meeting March 11, 1987
2. REVIEW OF LEGISLATIVE RULES:
  - a. Dept. Natural Resources - Outfitters and Guides
  - b. DNR-Hazardous Wastes, Series 35-Review (passed during session)
  - c. Insurance Commissioner - West Virginia Essential Property Insurance Association
  - d. Insurance Commissioner - Medical Malpractice Annual Reporting Requirements
  - e. Department of Commerce - Rules Governing Public Use of WV State Parks, State Forests and State Hunting and Fishing Areas Under the WV Department of Commerce
  - f. Department of Agriculture - Schedule of Charges for Inspection Service: Fruit, Series 8B
  - g. Department of Energy - Rules and Regulations Governing Performance Standards for Blasting on Surface Mines
  - h. Department of Energy - Rules and Regulations Governing the Certification of Blasters for Surface Mines and Surface Areas of Underground Mines
  - i. Lottery Commission - State lottery rules and regulations
3. Other Business

Rich Hartman, Administrative Law Division,  
Secretary of State's office

Monday, June 15, 1987

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

3:00 p.m.

Dan Tonkovich,                      Robert "Chuck" Chambers,  
ex officio nonvoting member      ex officio nonvoting member

Senate

House

Tucker, Chairman  
Boettner  
Holmes  
Tomblin  
Harman (absent)  
Hylton (absent)

Knight, Chairman  
Burk (absent)  
Murphy  
Givens  
Stiles  
Pritt

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

The minutes of the March 11, 1987 meeting were approved with two corrections. Mr. Givens asked that the minutes reflect that he did not receive notification of the meeting and Mr. Murphy requested that the minutes reflect that he was present at the meeting.

Mr. Stiles moved that copies of all proposed rules and abstracts that have been prepared be mailed to members ten days in advance of the meeting at which they are on the agenda, with the understanding that staff may add other rules to the agenda prior to the meeting. The motion was adopted.

Debra Graham, Associate Counsel, reviewed the rule proposed by the Department of Natural Resources - Outfitters and Guides. Dennis Tracy, Department of Natural Resources answered questions from the Committee

Mr. Knight moved that the proposed rule and all other proposed rules on the agenda be laid over until the next meeting so that members can have a chance to review the proposed rules. The motion was adopted.

Mr. Knight requested that the next item on the agenda, the rule proposed by the Department of Natural Resources - Hazardous Wastes, Series 35, be

placed at the foot of the agenda since the committee had considered the proposed rule at its March meeting.

Ms. Graham reviewed the rule proposed by the Insurance Commissioner - West Virginia Essential Property Insurance Association. Commissioner Fred Wright, Cheryl Davis and Stanley Clark, all representing the Insurance Department, answered questions from the Committee.

Ms. Graham reviewed the rule proposed by the Insurance Commissioner - Medical Malpractice Annual Reporting Requirements. Dan Selby, consultant to the Insurance Department, explained the proposed rule and answered questions from the Committee.

Ms. Graham reviewed the rule proposed by the Department of Commerce - Rules governing Public Use of WV State Parks, State Forests and State Hunting and Fishing Areas Under the WV Department of Commerce. Commissioner Robert Trocin and Don Andrews, Department of Commerce responded to questions from the Committee.

Ms. Graham reviewed the rule proposed by the Department of Agriculture - Schedule of Charges for Inspection Service: Fruit, Series 8B. Commissioner Gus Douglass, Department of Agriculture, answered questions posed by the Committee.

Ms. Graham reviewed the rule proposed by the Department of Energy - Rules and Regulations Governing Performance Standards for Blasting on Surface Mines. Roger Hall, Department of Energy, responded to questions from the Committee.

Ms. Graham reviewed the rule proposed by the Department of Energy - Rules and Regulations Governing the Certification of Blasters for Surface Mines and Surface Areas of Underground Mines. Mr. Hall responded to questions.

Mike Mowery, Counsel, reviewed the rule proposed by the Lottery Commission - State Lottery Rules and Regulations. Oscar Wallace, State Lottery, answered questions from the Committee. Mr. Tucker asked that the Committee be supplied with a copy of the form which winners must fill out in order to claim their prize.

Mr. Mowery asked the committee how they would like him to approach the rule proposed by the Department of Natural Resources - Hazardous Wastes, Series 35, which duplicates the rule approved by the Committee at a special meeting during the Regular Session of the Legislature. The committee staff had never had a chance to review the rule and the Department had agreed to submit the rule for review. The Committee directed Mr. Mowery to analyze the rule and point out any problems, but to not do a line by line analysis.

Mr. Tucker directed staff to draft a letter to the Environmental Protection Agency requesting the Agency to state its reasons for not accepting emergency rules as complying with their mandate that the State promulgate certain rules to be in compliance with federal law. Mr. Tracy answered questions regarding his departments propensity to file rules in an untimely fashion.

Rich Hartman, Secretary of States Office, presented the Committee with a copy of the West Virginia Code of State Rules. Mr. Knight requested that a notice be put in the State Register asking agencies to review all statutes relevant to their agency and to promulgate any necessary rules. Staff was directed to send a letter to the agencies who do not have rules, as identified by the Secretary of State's Office, requesting that they promulgate the required rules. Staff was also directed to send a letter to the State Board of Education requesting that they file a copy of all of their rules as required by statute.



The meeting was adjourned.

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ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: June 15, 1987

TIME: 3:00 p.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: \_\_\_\_\_  
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REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

COMMITTEE: Rule-making Review

DATE: June 15, 1987

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
ARLIE HUBBARD JR	CHARLESTON	COL. GAS TRANS.	
<del>OSCAR WALLACE JR</del>		W.VA. LOTTERY	
JOHN PERDUE	Charleston	JUDIA.	
MARION E Ray	"	W Va Lottery	
Roger T. Hall	Charleston	W. Va Dept of Energy	
Tony Grbac	Charleston	W Va. DEPT of Energy	
John Vorleyest	CHAS	W.VA. HOSP. ASSC.	
G. DELAURA	CHAS	" " "	
Cheryl Davis	Charleston	W.Va. Ins. Dept.	
Fred Wright	"	"	
Don Selby	"	"	
James Willis	"	Robinson & McElwain	
Dennis Treany	"	WV DNR	
Charles H. Spears	"	Dept of Commerce	
Donald P. Andrews	"	" "	
Stanley O. Clark	"	Insurance	

# Attendance

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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: \_\_\_\_\_  
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