

AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

August 29, 1988 - 1:00 p.m.

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meeting February 22, 1988
2. REVIEW OF LEGISLATIVE RULES:
 - a. Health Department - Plumbing Requirements
 - b. Health Department - Licensure of Hospice Care Program
 - c. Health Department - Public Water Supply Operator Regulations
 - d. Board of Barbers and Beauticians - Minimum Curriculum for Schools of Barbering
 - e. Board of Barbers and Beauticians - Rules and Regulations for Licensing Schools of Barbering or Beauty Culture
 - f. Board of Barbers and Beauticians - Operation of Barber Shops and Schools of Barbering
 - g. Board of Barbers and Beauticians - Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture
 - h. Board of Barbers and Beauticians - Curriculum and Minimum Requirements Subject and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License
 - i. Board of Barbers and Beauticians - Operation of Beauty Shops and Schools of Beauty Culture
3. Other Business:

Monday, August 29, 1988

1:00 - 3:00 p.m.

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

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

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

Knight, Chairman
Givens
Murphy (absent)
Pritt (absent)
Burk
Faircloth

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

The minutes of the February 22, 1988, meeting were approved.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Department of Health, Plumbing Requirements. She told the Committee that the Department had agreed to several minor modifications. Don Koontz from the Department's Office of Environmental Health Services answered questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Department of Health, Licensure of Hospice Care Program, and informed the Committee that the Department had agreed to some minor modifications. Larry Arnold, Department of Health, answered questions from the Committee.

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

Ms. Graham reviewed the rule proposed by the Health Department, Public Water Supply Operator regulations. She stated that the Department had agreed to minor modifications. Mr. Koontz responded to questions.

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

Ms. Graham told the Committee that all of the rules proposed by the Board of Barbers and Beauticians are in bad shape and that she had recommended to the Board that they completely rewrite their rules in the near future. She stated that she had made suggestions to the Board and that the Board had agreed to extensive modifications to the proposed rules to make them acceptable until the Board has time to rewrite them. The Committee discussed the possibility of putting an expiration date on the proposed rule so that the Board would have to revise them in the near future. The Committee then entertained comments from Ralph Reed, Black Diamond Affiliate, Wayne Stonestreet representing Little French Beauty Academy, Beverly Thalman, Barber School operator, and Kay Howard, Department of Health.

The Committee agreed to consider all of the rules as proposed by the Board and the proposed modifications thereto prior to considering an amendment being proposed by Mr. Burk on behalf of Mr. Stonestreet which would affect several of the rules.

Ms. Graham reviewed her abstract on the rule proposed by the Board of Barbers and Beauticians, Curriculum and Minimum Requirements Subject and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License, Series I.

Mr. Givens moved that, subject to Mr. Burk's proposed amendment, the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Board of Barbers and Beauticians, Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, Series II.

Mr. Tucker moved that, subject to Mr. Burk's proposed amendment, the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Board of Barbers and Beauticians, Operation of Barber Shops and Schools of Barbering, Series III.

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

Ms. Graham reviewed the rule proposed by the Board of Barbers and Beauticians, Operation of Beauty Shops and Schools of Beauty Culture, Series IV.

Mr. Givens moved that, subject to Mr. Burk's proposed amendment, the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Board of Barbers and Beauticians, Rules and Regulations for Licensing Schools of Barbering and Beauty Culture, Series V. She pointed out that in her opinion, the provision in Section 4.1 of the proposed rule which provides a five-year residency requirement for the operation of a school is unconstitutional, but that the Board had not agreed to modify that provision.

Mr. Givens moved that the proposed rule be amended by deleting the residency requirement. The motion was adopted.

Mr. Givens moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Board of Barbers and Beauticians, Minimum Curriculum for Schools of Barbering, Series VI.

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

Mr. Tucker moved that all of the rules proposed by the Board of Barbers and Beauticians be amended to provide that they automatically expire on July 1, 1991. The motion was adopted.

Mr. Burk moved that Series I, II and IV of the rules proposed by the Board of Barbers and Beauticians be amended to allow schools of beauty culture to teach and beauticians to perform the

trimming of beards and mustaches. Ms. Thalman addressed the Committee regarding the proposed amendment.

Mr. Tucker moved that all the rules proposed by the Board of Barbers and Beauticians lie over with Mr. Burk's proposed amendment pending until the Committee's October meeting. The motion was adopted.

Mr. Tucker told members of the Committee that he was getting numerous calls regarding the emergency rule proposed by the Tax Department, Solid Waste Assessment Fee. He stated that in particular there seems to be some concern regarding the application of the \$1.25 per ton fee.

Mr. Tucker moved that the emergency rule be taken up for consideration at the Committee's 4:00 p.m. meeting and that representatives from the Tax Department be invited to attend. The motion was adopted.

Mr. Faircloth told members of the Committee that the rule promulgated by the West Virginia Jail and Prison Standards Commission and approved by the Legislature during the 1988 Regular Session is causing financial problems for the counties. He also stated that the counties may have some problems with the rule proposed by the West Virginia Jail and Prison Standards Commission, West Virginia Minimum Standards for Constructions, Operation and Maintenance of Holding Facilities.

Mr. Faircloth moved that both sets of rules be placed on the agenda at the Committee's October meeting and that a letter be

sent to all county commissions, members of the West Virginia Regional Jail and Prison Authority and John King, Executive Director, West Virginia Regional Jail and Prison Authority, inviting them to the meeting. The motion was adopted and staff was directed to schedule a separate two-hour meeting for these rules.

Mr. Tucker requested that the Committee Counsel review the early retirement bill to determine whether or not it requires the filing of proposed rules with the Committee.

The meeting was adjourned.

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule-Making Review DATE: August 29, 1988 *4 pm*

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly ROBERT B. WILSON		STATE TAX DEPARTMENT	AS NEEDED
JOHN MONTGOMERY		" " "	AS NEEDED
James H. Heary		DNR	
Randall Williams		DOE	
Robert A. Allen		DOE	
Gardner Heppner	Joe Reppert	DOE	
Ronald M. Anderson		Gov. Com. Crime Del. & Corr.	
J. A. Galt		State Tax	
Helen Burgin		State Tax	
Sandra G. Imose		DHS	if needed
John T. Yearcy		"	" "

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: August 29, 1988

TIME: 4-6 pm

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.	✓			
Burk, Robert W., Jr.				
Givens, Roy E.	✓			
Pritt, Charlotte	✓			
Larry V. Faircloth	✓			
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: _____

