

NOVEMBER 5

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

**Tuesday, November 5, 1991
3:00 p.m. - 6:00 p.m.**

Senate Finance Committee Room 451

1. Approval of Minutes - Meeting October 2, 1991
2. Review of Legislative Rules:
 - a. Natural Resources, Division of - Boating Regulations
 - b. Public Safety, Division of - Contracted Police or Security Services
 - c. Health Care Cost Review Authority - Health Services Offered by Health Professionals
 - d. Health Care Cost Review Authority - Financial Disclosure Rule
 - e. Counseling, Board of Examiners in - Licensing Rules
 - f. WV Real Estate Appraiser Licensing and Certification Board - Rules and Regulations of the West Virginia Real Estate Appraiser Licensing and Certification Board, Series 1
 - g. WV Real Estate Appraiser Licensing and Certification Board - Requirements of Licensure and Certification, Series 2
 - h. WV Real Estate Appraiser Licensing and Certification Board - Renewal of Licensure or Certification, Series 3
 - i. Real Estate Commission - Requirements in Licensing Real Estate Brokers and Salesmen and the Conduct of Brokerage Business
 - j. Banking, Division of - Regulations Governing the Operations of State-Chartered Financial Institutions in West Virginia
 - K. Banking, Division of - Regulations Pertaining to the West Virginia Industrial Bank and Industrial Loan Company Act

- l. Banking, Division of - Regulations Pertaining to the West Virginia Consumer Credit and Protection Act and the Money and Interest Article of Chapter 47
- m. Banking, Division of - Legislative Rule Pertaining to Permissible Additional Charges in Connection with a Consumer Credit Sale
- n. Banking, Division of - Lease Financing Transactions
- o. Banking, Division of - Regulations Pertaining to the West Virginia Consumer Credit and Protection Act
- p. Tax, Division of - Industrial Expansion and Revitalization Credit, Research and Development Credit, Qualified Housing Development Credit, Management Information Services Facilities Credit and Coal Based Liquids for Synthetic Fuels Credit
- q. Tax, Division of - Consumers Sales and Service Tax and Use Tax
- r. Tax, Division of - Appraisal of Producing and Reserve Oil and Natural Gas Property for Periodic Statewide Reappraisals for Ad Valorem Property Tax Purposes

3. Other business:

Tuesday, November 5, 1991

3:00 - 6:00 p.m.

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

Keith Burdette
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Wooten, Chairman
Chafin (absent)
Manchin, J.
Tomblin
Wiedebusch (absent)
Boley (absent)

Grubb, Chairman
Burk
Faircloth
Roop
Love
Gallagher

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

The minutes of the October 2, 1991 meeting were approved.

Mr. Faircloth told other members of the Committee that it was his understanding that the Division of Public Safety had promulgated an emergency rule relating to modified vehicles in response to legislation passed during the recent special session. He stated that it was also his understanding that the emergency rule would allow only dealers to inspect modified vehicles.

Mr. Faircloth moved that the Committee send a letter to the Division of Public Safety and to the Secretary of State requesting that the Division amend its emergency rule to allow all inspection stations to inspect modified vehicles.

Mr. Roop moved to amend Mr. Faircloth's motion to also request that the Secretary of State disapprove the emergency rule on the basis that an emergency does not exist justifying the promulgation of the rule. The motion was adopted.

Mr. Faircloth's motion, as amended was adopted.

Debra Graham, Committee Counsel, explained that the rule proposed by the Division of Natural Resources, Boating Regulations, had been laid over at the Committee's October 2, 1991, meeting to allow the Division to modify the proposed rule to establish the same rules regarding age limitations and supervision for both motorboats and personal watercraft and to look into the feasibility of developing an examination and license for operating all types of watercraft. Major Bill Daniel, representing the Division, distributed proposed modifications to the proposed rule and answered questions from the Committee.

Mr. Gallagher moved that the Committee approve the proposed modifications.

Leff Moore, Executive Director, WV Recreational Vehicle Association, answered questions from the Committee.

Mr. Love moved to amend Mr. Gallagher's motion by providing that that the Committee further modify the proposed modification to Section 6.1 of the proposed rule to allow persons under the age of fifteen to operate a motorboat or personal watercraft having a motor of ten horsepower or less. The motion was adopted.

Mr. Manchin moved to amend Mr. Gallagher's motion by deleting Section 6.11.1 of the proposed modification. The motion was adopted.

Mr. Gallagher's motion, as amended, was adopted.

Mr. Manchin moved that Section 6.11 of the proposed rule be modified by deleting the following words: "including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably close to such vessel or when visability around such vessel is obstructed, and swerving at the last possible moment to avoid collision". The motion was adopted.

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

Ms. Graham explained that the rule proposed by the Division of Public Safety, Contracted Police or Security Services, had been laid over at the Committee's October 2, 1991, meeting to allow the Division to provide the Committee with information regarding services which have been provided under the emergency rule and how the Division plans to apply the provisions of the proposed rule. Captain Dan Egnor, representing the Division, answered questions from the Committee.

Mr. Roop moved that the proposed rule be approved as modified. The motion was adopted. Mr. Love voted "No".

Ms. Graham reviewed her abstract on the rule proposed by the Health Care Cost Review Authority, Health Services Offered by Health Professionals, and stated that the Authority had agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the Health Care Cost Review Authority, Financial Disclosure Rules, and told the Committee

that the Authority had agreed to technical modifications. Senator Oshell Craigo, Delegate Pat White, Marianne Stonestreet, General Counsel for the Authority, and Richard Francis, representing Mountain State Blue Cross and Blue Shield, addressed the Committee regarding the proposed rule and answered questions from the Committee.

Mr. Roop moved that the proposed rule lie over until the Committee's next meeting and that the Authority meet with Delegate White in the interim to discuss her concerns. The motion was adopted.

Michael McThomas, Associate Counsel, reviewed his abstract on the rule proposed by the Board of Examiners in Counseling, Licensing Rules, and stated that the Board had agreed to technical modifications. Bill Mullet, Chairman of the Board, addressed the Committee regarding the proposed rule and responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the WV Real Estate Appraiser Licensing and Certification Board, Rules and Regulations of the WV Real Estate Appraiser Licensing and Certification Board, and stated that the Board had agreed to technical modifications. Si Galperin, Executive Secretary, commented on the proposed rule and answered questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the WV Real Estate Appraiser Licensing and Certification Board, Requirements of Licensure and Certification, and stated that the Board had agreed to technical modifications. Mr. Galperin responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the WV Real Estate Appraiser Licensing and Certification Board, Renewal of Licensure or Certification, and stated that the Board had agreed to technical modifications. Mr. Galperin answered questions from the Committee.

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

Ms. Graham explained the rule proposed by the Real Estate Commission, Requirements in Licensing Real Estate Brokers and Salesmen and the Conduct of Brokerage Business, and told the Committee that the Commission had agreed to technical modifications. Richard Strader, Executive Director, answered questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Regulations Governing the Operations of State-Chartered Financial Institutions in West Virginia, and stated that the Division had agreed to technical modifications. Richard Lancianese, General Counsel for the Division, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Regulations Pertaining to the West Virginia Industrial Bank and Industrial Loan Company Act, and stated that the Division had agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Regulations Pertaining to the West Virginia Consumer Credit and Protection Act and the Money and Interest Article of Chapter 47, and stated that the Division had agreed to technical modifications. Mr. Lancianese answered questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Legislative Rule Pertaining to Permissible Additional Charges in Connection With a Consumer Credit Sale, and stated that the Division had agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Lease Financing Transactions, and stated that the Division had agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the Division of Banking, Regulations Pertaining to the West Virginia Consumer Credit and Protection Act, and stated that the Division had agreed to technical modifications.

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

Mr. McThomas reviewed his abstract on the rule proposed by the Division of Tax, Appraisal of Producing and Reserve Oil and Natural Gas Property for Periodic Statewide Reappraisals for Ad Valorem Property Tax Purposes, and stated that the Division had agreed to technical modifications. Jerry Knight, Property Tax Division answered questions from the Committee.

Mr. Faircloth moved that the proposed rule lie over until the Committee's next meeting.

Mr. Wooten moved to amend Mr. Faircloth's motion to include the two other rules proposed by the Division of Tax, Industrial Expansion and Revitalization Credit, Research and Development Credit, Qualified Housing Development Credit, Management Information Services Facilities Credit and Coal Based Liquids for Synthetic Fuels Credit and Consumers Sales and Service Tax and Use Tax. The motion was adopted.

Mr. Love further moved to amend Mr. Faircloth's motion to direct the staff to notify representatives of the oil and gas industry and representatives of the counties and assessors regarding the proposed tax rule on the appraisal of oil and gas properties.

Mr. Faircloth's motion, as amended, was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: November 5, 1991

TIME: 3:00 - 6:00 p.m.

NAME

Present	Absent	Yeas	Nays
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			

Chambers, Robert "Chuck", Speaker

Grubb, David, Co-Chair

Burk, Robert W., Jr.

Faircloth, Larry V.

Brian A. Gallagher

Love, Sam

Roop, Jack

Burdette, Keith, President

Wooton, William, Co-Chair

Chafin, Truman H.

Manchin, Joe, III

Tomblin, Earl Ray

Boley, Donna

Wiedebusch, Larry

TOTAL

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule-Making

DATE: November 5, 1991

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Richard Strader	Charleston	WV Real Estate Comm.	
RICHARD M. FRANCIS	CHARLESTON	W.VA. HOME BUILDERS ASSOC.	X
RICHARD M. FRANCIS	CHARLESTON	MOUNTAIN STATE BLUE CROSS	X
Philip P. Cox	MARTINSBURG	COX ALLEMONG NICHOLS CLAS	X
Marianne Stonestreet	CHAS	NCCRA	IF needed
Bill DANIEL	Chas	DNR LAW	IF NEEDED
John	Chas	WV Auto Dealers	
Chris Belue	725 John R. Sch	WVSP	
Chuck Johnson	CHAS	HOCRA	
Brent Archer	Charleston	Columbia	
GEORGE CARENBAUER	CHARLESTON	STETTE + JOHNSON	
LEFF MOORE	W. Va	WV RV Assoc	X
SCOTT ICARD	CHAS	APPALACHIAN POWER	
Si Gulperin	"	WV Real Estate Appraiser Assn	if needed
BOB HOFFMAN	Chas	WV Dept TAX & REV	
Jerry Knight	"	"	
Renee Co	"	Sec. of State	
David Johnson	Chas	WV Home Bldrs Assoc	

DNR Hand Out

11-5-92

Interims -

*DNR
Boating Regs*

PROPOSED CHANGES AND ADDITIONS
TO MOTORBOAT REGULATIONS

6.1 No person under the age of 15 shall operate or be permitted to operate a motorboat or personal watercraft upon the waters of this state, except that a person 12 to 15 years of age may operate a motorboat or personal watercraft if a person over 18 years of age is aboard the motorboat or personal watercraft.

6.1.1 No person who owns a motorboat or personal watercraft or who has charge over or control of a motorboat or personal watercraft shall authorize or knowingly permit a motorboat or personal watercraft to be operated in violation of these regulations.

6.10 No person shall operate a personal watercraft unless the lanyard cut off switch, if so equipped by the manufacturer, is attached to the operator's person, clothing, or personal floatation device.

6.11.1. In the interest of safe boating, the director may designate the areas for the operation of personal watercraft.