

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
TUESDAY, NOVEMBER 16, 1993, 4:00 - 6:00 P.M.
SENATE FINANCE COMMITTEE ROOM - M-451

1. Approval of Minutes - Meeting October 19, 1993
2. Review of Legislative Rules:
 - a. Division of Tax
Bingo Rules
 - b. Racing Commission
Greyhound Rules
 - c. Racing Commission
Thoroughbred Rules
 - d. Division of Tax
Preneed Cemetery Companies
 - e. Insurance Commissioner
Filing fees for purchasing groups, and for risk retention groups not chartered in this state
 - f. Insurance Commissioner
Continuation of Coverage Under Automobile Liability Policies
 - g. Insurance Commissioner
West Virginia Life and Health Insurance Guaranty Association Act Notice Requirements
 - h. Insurance Commissioner
Substandard Motor Vehicle Insurance Notice Requirements
 - i. Insurance Commissioner
Group Accident and Sickness Insurance Minimum Policy Coverage Standards
 - j. Insurance Commissioner
Insurance Holding Company Systems Reporting Forms
 - k. Division of Banking
Notice and Treatment of Joint Accounts
 - l. Division of Culture and History
Standards and Procedures for granting permits to excavate archaeological sites and unmarked graves

- m. Human Rights Commission
Rules regarding discrimination against individuals with disabilities
 - n. Air Pollution Control Commission
To prevent and control air pollution from the emission of sulfur oxides
 - o. Air Pollution Control Commission
Permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, temporary permits, general permits, and procedures for evaluation
 - p. Air Pollution Control Commission
Emission standards for hazardous air pollutants
 - q. Air Pollution Control Commission
Standards of performance for new stationary source
 - r. Air Pollution Control Commission
To prevent and control air pollution from hazardous waste treatment, storage, or disposal facilities
 - s. Air Pollution Control Commission
Requirements for operating permits
 - t. Division of Environmental Protection
Sewage sludge management regulations
3. Other Business:

Tuesday, November 16, 1993

4:00 - 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

Manchin, Chairman
Grubb
Anderson
Macnaughtan
Minard
Boley (absent)

Gallagher, Chairman
Douglas
Compton
Huntwork
Burk
Faircloth

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

The minutes of the October 19, 1993, meeting were approved.

Mr. Gallagher told the Committee that the following rules had been removed from the tentative agenda: Division of Tax, Bingo Rules; Air Pollution Control Commission, To prevent and control air pollution from the emission of sulfur oxides; Air Pollution Control Commission, Permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, temporary permits, general permits, and procedures for evaluation; Air Pollution Control Commission, To prevent and control air pollution from hazardous waste treatment, storage, or disposal facilities; Air Pollution Control Commission, Requirements for operating permits; and Division of Environmental Protection, Sewage sludge management regulations

Mr. Burk, having voted on the prevailing side, moved that the Committee reconsider its action whereby it approved, as modified, the rule proposed by the WV Nursing Home Administrators Licensing Board, Rules and Regulations of the Nursing Home Administrators Licensing Board. The motion was adopted.

Mr. Burk moved that the Committee authorize the Board to further modify the proposed rule to exempt nursing home administrators licensed prior to May 10, 1986, from the pre-examination requirements in Section 3.2. Dan Farley, representing the WV Nursing Home Administrators Licensing Board, stated that the Board agrees to the proposed modification. The motion was adopted.

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

Alison Patient, Counsel to the House Committee on Finance, explained the rule proposed by the Racing Commission, Greyhound Rules.

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

Ms. Patient reviewed her abstract on the rule proposed by the Racing Commission, Thoroughbred Rules, and responded to questions from the Committee. Lois Graham, Executive Secretary of the Racing Commission, answered questions from the Committee.

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

Ms. Patient explained the rule proposed by the Division of Tax, Preneed Cemetery Companies and stated that the Division has agreed to modifications. John Montgomery, Counsel, responded to questions from the Committee. Mr. Burk asked Mr. Montgomery if the Division would agree to modify the proposed rule to reduce the fee from \$500 to \$250. Mr. Montgomery stated that he did not have the authority to agree to the proposed modification.

Mr. Burk moved that the proposed rule be amended to reduce the fee to \$250. The motion was adopted.

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

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Insurance Commissioner, Filing fees for purchasing groups, and for risk retention groups not chartered in this State, and stated that the Commissioner has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the Insurance Commissioner, Continuation of Coverage Under Automobile Liability Policies, and stated that the Commissioner has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the Insurance Commissioner, West Virginia Life and Health Insurance Guaranty Association Act Notice Requirements, and stated that the Commissioner has agreed to technical modifications.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the Insurance Commissioner, Substandard Motor Vehicle Insurance Notice Requirements, and stated that the Commissioner has agreed to technical modifications. Ms. Graham, Jeff Vanguilder, Associate Counsel to the Commissioner and Jerry Gladwell, Director of Agent Forms, responded to questions from the Committee.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Insurance Commissioner, Group Accident and Sickness Insurance Minimum Policy Coverage Standards, and stated that the Commissioner has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the Insurance Commissioner, Insurance Holding Company Systems Reporting Forms, and stated that the Commissioner has agreed to technical modifications.

Ms. Douglas 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, Notice and Treatment of Joint Accounts, and stated that the Division has agreed to technical modifications.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Marjorie Martorella, Counsel to the House Committee on Government Organization, explained the rule proposed by the Division of Culture and History, Standards and procedures for granting permits to excavate archaeological sites and unmarked graves, and stated that the Division has agreed to technical modifications. She answered questions from the Committee.

Ms. Compton moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Martorella reviewed her abstract on the rule proposed by the Human Rights Commission, Rules regarding discrimination against individuals with disabilities, and responded to questions from the Committee.

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

Mike Mowery, House Counsel, explained the rule proposed by the Air Pollution Control Commission, Emission standards for hazardous air pollutants.

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

Mr. Mowery reviewed his abstract on the rule proposed by the Air Pollution Control Commission, Standards of performance for new stationary source.

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

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: Nov. 16, 1994

TIME: 4:00-6:00 p.m.

NAME

Present Absent Yeas Nays

Chambers, Robert "Chuck", Speaker

Brian Gallagher, Co-Chair

Burk, Robert W., Jr.

Faircloth, Larry V.

Douglas, Vickie

Compton, Mary P.

Huntwork, John

Burdette, Keith, President

Joe Manchin, III Co-Chair

Anderson, Leonard

Grubb, David

Minard, Joseph

Macnaughtan, Don

Boley, Donna

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RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Leg. Rule-Making Review

DATE: November 16, 1993

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
<u>Please print or write plainly</u>			
George Reeves	1009 Summit Dr. Charleston 25302	WV Cemetery Association President	To Respond Respond to questions
Ann A. Spaner	10 McJunkin Rd. Nitro	DEP Deputy Director	If asked.
Max Robertson	1536 Hansford St Charleston WV	DEP-OWM Chief	"
Bill Brannon	201 Greenbrier Chan	DEP - WATER	—
RICHARD P. COKE	1005 DARTMOUTH AVE	DEP/OWM	IF ASKED
Clifton Browning	1201 Greenbrier Street	DEP - Water	" "
Dave Sutherland	Box 352, Augusta	Self + WVEC	If Asked
JOHN MONTGOMERY	CAPITOL	TAX & REVENUE	AS NEEDED
Tim Winslow	Bldg 3 Rm 311	Div of Banking	As needed
Keith Huffman	2019 Wash St. E	Div. of Insurance	As needed
Jeffrey Van Gilder	" " "	" "	" "
DALE FARLEY	WV DEP/OAQ	" "	As needed with answers to questions
BRITT BERNHEIM	APCC	APCC	—
Dan Farley	Rt. 1 - Box 464, Princeton	WV Racing, Home, Administrative Licensing Board	If asked
Luis G. GATHAM	Racing Commission	Racing Commission	IF NEEDED
Bill [unclear]	Dept. Cult. Hist.		IF NEEDED
Peter [unclear]	Arch. Cult. & Hist.		IF NEEDED

