

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, September 11, 1995, 10:00 a.m.

Senate Finance Committee Room - M-451

- 1. Approval of Minutes - Meeting January 9, 1995**
- 2. Review of Legislative Rules:**
 - a. Division of Environmental Protection-Water Resources
Waste Management
Waste Tire Management Rule**
 - b. W. Va. State Police
Cadet Selection Process**
 - c. W. Va. State Police
State Police Grievance Procedure**
 - d. Tax Department
International Fuel Tax Agreement**
 - e. State Tax Division
Tax Credit for Employing Former Employees of Colin
Anderson Center**
 - f. State Tax Division
Pollution Control Facilities**
 - g. Division of Labor
Commercial Bungee Jumping Safety Act**
 - h. Contractor Licensing Board
West Virginia Contractor Licensing Act**
 - i. Dept. of Administration - Purchasing
Purchasing**
 - j. Department of Administration
Parking**
 - k. Division of Motor Vehicles
Motor Vehicle Alcohol Test and Lock Program**

- l. Division of Motor Vehicles
Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders,
License Services, Automobile Auctions, Vehicle Leading
Companies and Administrative Due Process
- m. Cable Television Advisory Board
Calculation and Collection of Late Fees
- n. Division of Veterans Affairs
State Home for Veterans-Fiscal
- o. West Virginia Lottery
State Lottery Rules and Regulations
- p. Division of Natural Resources
Miscellaneous Permits and Licenses
- q. Division of Natural Resources
Special Waterfowl Hunting Regulations
- r. Division of Natural Resources
Special Boating Regulations
- s. Division of Natural Resources
Prohibitions When Hunting and Trapping
- t. Division of Natural Resources
Wildlife Damage Control Agents
- u. Division of Natural Resources
Wildlife Scientific Collecting Permit
- v. Division of Natural Resources
Rules Governing Public Use of West Virginia State Parks,
State Forests, and State Wildlife Management Areas Under
the Division of Natural Resources
- w. Division of Natural Resources
Boating Regulations
- x. Department of Agriculture
Certified Pesticide Applicator Rules
- y. Department of Agriculture
Integrated Pest Management Programs in Schools and Day
Care Centers
- z. Solid Waste Management Board
Rules and Regulations for the Development of
Comprehensive Litter and Solid Waste Control Plans

3. Other Business:

SEPTEMBER 11



AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, September 11, 1995, 10:00 a.m.

Senate Finance Committee Room - M-451

- 1. Approval of Minutes - Meeting January 9, 1995**
- 2. Review of Legislative Rules:**
 - a. Division of Natural Resources
Miscellaneous Permits and Licenses**
 - b. Division of Natural Resources
Special Waterfowl Hunting Regulations**
 - c. Division of Natural Resources
Special Boating Regulations**
 - d. Division of Natural Resources
Prohibitions When Hunting and Trapping**
 - e. Division of Natural Resources
Wildlife Damage Control Agents**
 - f. Division of Natural Resources
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 - g. Division of Natural Resources
Rules Governing Public Use of West Virginia State Parks,
State Forests, and State Wildlife Management Areas Under
the Division of Natural Resources**
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- m. State Tax Division
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- o. Contractor Licensing Board
West Virginia Contractor Licensing Act
- p. Dept. of Administration - Purchasing
Purchasing
- q. Department of Administration
Parking
- r. Division of Motor Vehicles
Motor Vehicle Alcohol Test and Lock Program
- s. Division of Motor Vehicles
Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders,
License Services, Automobile Auctions, Vehicle Leading
Companies and Administrative Due Process
- t. Cable Television Advisory Board
Calculation and Collection of Late Fees
- u. Division of Veterans Affairs
State Home for Veterans-Fiscal
- v. West Virginia Lottery
State Lottery Rules and Regulations
- w. Department of Agriculture
Certified Pesticide Applicator Rules
- x. Department of Agriculture
Integrated Pest Management Programs in Schools and Day
Care Centers
- y. Solid Waste Management Board
Rules and Regulations for the Development of
Comprehensive Litter and Solid Waste Control Plans

3. Other Business:

SPECIAL MEETING

Monday, September 11, 1995

10:00 a.m.-4:00 p.m. Legislative Rule-Making Review Committee
(Code §29A-3-10)

Earl Ray Tomblin
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Ross, Chairman
Grubb, Vice Chairman
Anderson
Boley (Absent)
Buckalew
Macnaughtan (Absent)

Douglas, Chairman
Linch, Vice Chairman
Compton
Faircloth
Gallagher
Riggs

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

The minutes of the June 11, 1995, meeting were approved.

Joe Altizer, Associate Counsel, explained the rule proposed by the Division of Natural Resources, Miscellaneous Permits and Licenses, and stated that the Division has agreed to technical modifications. He responded to questions from the Committee. Dr. Jim Crum, Wildlife Resources, and Major Bill Daniel, Law Enforcement, answered questions from the Committee.

Mr. Anderson moved that Section 7.2.21 of the proposed rule be modified to change 15 acres to 12.5 acres. The motion was adopted. The Division agreed to the modification.

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

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Division of Natural Resources, Special Waterfowl Hunting Regulations, 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.

Ms. Graham explained the rule proposed by the Division of Natural Resources, Special Boating Regulations, and stated that the Division has agreed to technical modifications. She distributed further modifications proposed by the Division. Major Daniel and Bert Pierce, of the Wildlife Division, responded to the Committee's questions.

Ms. Compton moved that the Committee accept the Division's proposed modifications. After further discussion, she requested unanimous consent to withdraw her motion. There being no objection, the motion was withdrawn.

Mr. Gallagher moved that the proposed rule lie over until the next meeting. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Division of Natural Resources, Prohibitions When Hunting and Trapping, and stated that the Division has agreed to technical modifications. Major Daniel answered questions from the Committee.

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

Ms. Graham explained the rule proposed by the Division of Natural Resources, Wildlife Damage Control Agents, and stated that the Division has agreed to technical modifications. Paul D. Hanson and Jim Evans, Wildlife Resources, 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 Division of Natural Resources, Wildlife Scientific Collecting Permit, 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.

Ms. Graham explained the rule proposed by the Division of Natural Resources, Rules Governing Public Use of West Virginia State Parks, State Forests, and State Wildlife Management Areas Under the Division of Natural Resources, and stated that the Division has agreed to technical modifications. Doug Baker, of Parks and Recreation, answered questions from the Committee.

Mr. Gallagher moved that Section 2.21 of the proposed rule be modified to return to the language contained in the current rule. The motion was adopted. The Division agreed to the modification.

Mr. Anderson 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 Natural Resources, Boating Regulations, and stated that the Division has agreed to technical modifications. Major Daniels responded to questions from the Committee.

Mr. Gallagher moved that Section 7.4 of the proposed rule be modified by adding the words "approved by the Director of the Division of Natural Resources" at the end of the sentence. The motion was adopted. The Division agreed to the modification.

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

Ms. Graham explained the rule proposed by the W. Va. State Police, Cadet Selection Process, and stated that the State Police have agreed to technical modifications. She responded to questions from the Committee. Brad Deel, attorney for the State Police, answered questions from the Committee.

Ms. Douglas moved that the proposed rule be placed at the foot of the agenda. After further discussion, she requested unanimous consent to withdraw her motion. There being no objection, the motion was withdrawn.

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 W. Va. State Police, State Police Grievance Procedure, and stated that the State Police have agreed to technical modifications. Mr. Deel responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the Tax Department, International Fuel Tax Agreement, and stated that the Department has agreed to technical modifications. Mark Morton, of the Tax Department, 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 State Tax Division, Tax Credit for Employing Former Employees of Colin Anderson Center, and stated that the Division has agreed to technical modifications. John Montgomery answered questions from the Committee.

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

Ms. Graham explained the rule proposed by the State Tax Division, Pollution Control Facilities, and stated that the Division has agreed to technical modifications. Mr. Montgomery 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 Division of Labor, Commercial Bungee Jumping Safety Act, and stated that the Division has agreed to technical modifications. Chris Quaesbarth, Deputy Commissioner, responded to questions.

Mr. Buckalew moved that the proposed rule be modified to require the Division to amend its rules within two years to include any necessary changes based on experience. After further discussion, he requested unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Ross moved that the proposed rule lie over until the next meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the Contractor Licensing Board, West Virginia Contractor Licensing Act, and stated that the Board has agreed to technical modifications. Mr. Quaesbarth answered questions from the Committee.

Mr. Faircloth moved that the proposed rule lie over until the next meeting. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Department of Administration, Purchasing, and stated that the Department has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the Department of Administration, Parking, and stated that the Department has agreed to technical modifications. Diana Stout, General Counsel, responded to questions from the Committee.

Mr. Ross moved that Section 7.1 of the proposed rule be modified to increase the fine for parking in a handicapped area to \$100 to conform with legislation passed during the 1995 Session and to lower all other fines back to the amounts specified in the current legislative rule.

Ms. Compton requested that the question be divided.

The first part of Mr. Ross' motion regarding the fine for parking in a handicapped area was adopted.

The second part of Mr. Ross' motion regarding returning to the fines in the current legislative rule was adopted. The Department agreed to both modifications.

Ms. Compton 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 Motor Vehicles, Motor Vehicle Alcohol Test and Lock Program, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the Division of Motor Vehicles, Motor Vehicle Dealers, Wrecker/Dismantlers/Rebuilders, License Services, Automobile Auctions, Vehicle Leading Companies and Administrative Due Process, and stated that the Division has agreed to technical modifications. Jane Cline, Commissioner, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Cable Television Advisory Board, Calculation and Collection of Late Fees, and stated that the Board has agreed to technical modifications. Don Darling, Board Counsel, responded to questions from the Committee.

Mr. Ross moved to modify Section 3.1.a of the proposed rule by changing \$5 to \$2.

Mr. Riggs moved to amend the modification by adding the words "whichever is less" to the end of the sentence in Section 3.1.b. After further discussion he asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Ross' motion was adopted.

Mr. Riggs moved to modify Section 3.1.b of the proposed rule by adding the words "whichever is less" to the end of the sentence. The motion was adopted.

Mr. Ross moved to modify Section 6.1 of the proposed rule to increase 15 days to 20 days. The motion was adopted. Mr. Darling stated that he would have to take the proposed modifications to the Board.

Mr. Ross moved that Committee amend the proposed rule in conformity with the adopted modifications if the Board does not agree to the proposed modifications. The motion was adopted.

Having voted on the prevailing side, Mr. Anderson moved that the Committee reconsider its action whereby it agreed to amend the proposed rule if the Board refused to accept the modifications adopted by the Committee. The motion was adopted.

Mr. Ross moved that the proposed rule be amended in accordance with the adopted modifications. The motion was adopted.

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

Ms. Graham explained the rule proposed by the Division of Veterans Affairs, State Home for Veterans-Fiscal, and stated that the Division has agreed to technical modifications. Fritz Hubbard, Veterans Home Administrator, answered questions from the Committee.

Mr. Ross moved that the proposed rule lie over until the next meeting to allow the Committee to see the modifications proposed by the Division. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the West Virginia Lottery, State Lottery Rules and Regulations, and stated that the Lottery has agreed to technical modifications. John Melton, of the W. Va. Lottery, responded to questions from the Committee.

Mr. Buckalew moved that Section 6.2.5 of the proposed rule be modified to return it to the language in the current legislative rule. The motion was adopted. The State Lottery agreed to the modifications.

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

Ms. Graham explained the rule proposed by the Department of Agriculture, Certified Pesticide Applicator Rules, and stated that the Department has agreed to technical modifications.

Ms. Compton 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 Agriculture, Integrated Pest Management Programs in Schools and Day Care Centers, and stated that the Department has agreed to technical modifications. Bob Frame, of the Department of Agriculture, responded to questions from the Committee.

Mr. Faircloth moved that the proposed rule lie over until the next meeting. The motion was adopted.

Mr. Altizer explained the rule proposed by the Solid Waste Management Board, Rules and Regulations for the Development of Comprehensive Litter and Solid Waste Control Plans, and stated that the Board has agreed to technical modifications.

Mr. Faircloth moved that the proposed rule lie over until the next meeting. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 9-11-95

TIME: 10:00 AM

NAME

Present Absent Yeas Nays

Chambers, Robert "Chuck", Speaker

Douglas, Vickie, Co-Chair

Linch, Larry, Vice-Chair

Compton, Mary Pearl

Faircloth, Larry V.

Gallagher, Brian

Riggs, Dale

Tomblin, Earl Ray, President

Ross, Michael, Co-Chair

Grubb, David, Vice-Chair

Anderson, Leonard

Boley, Donna

Buckalew, Jack

Macnaughtan, Don

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RE:

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule - Making Renew DATE: Sept 11, 1995

NAME <small>Please print or write plainly</small>	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
MAJ. Bill DANIEL	CHAS	DNR LAW	IF NEEDED
DICK HAN	ELKINS	DNR - Wildlife	IF needed
Jim EVANS	FAIRMONT	DNR - Wildlife	if needed
Jim Crum	Elkins	DNR - Wildlife	if needed
Paul Johansen	Charleston	DNR - Wildlife	if needed
BRIAN McDONALD	ELKINS	DNR - WILDLIFE	IF NEEDED
Gail Berger	Chas	Veterans Aff. Affairs	if needed
Fritz Hubbard	Barboursville	Veterans Home	if needed
Robert Frame	Chas	Agriculture	if needed
Peggy K Powell	Chas.	Agriculture	if needed
MARSHA D BEASLEY	So Chas	WV State Police	if needed
Bradford W. Dyer	So. Chas.	WV State Police	IF NEEDED
Charlie Johnson	1675 Wash ST E	SWMB	IF NEEDED
Jane Cline	1900 Kanawha Blvd	WV DMV	IF needed
Doug Baker	Charleston	WV DNR - PARKS	if needed
BERT PIERCE	CHAS	WV DNR - WILDLIFE	IF NEEDED
CHRIS QUASEBARTZ	Bldg. 3, Rm. 3A	LABOR	if needed
Don Darling / Mary Collins	PSC Building	W. VA. Cable TV Advisory Bd	IF NEEDED

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: _____

DATE: _____

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
<i>Please print or write plainly</i> <i>JOHN MONTGOMERY</i>	<i>CAPITAL</i>	<i>TAX & REVENUE</i>	<i>IF NEEDED</i>
<i>Jerry A Knight</i>	<i>"</i>	<i>" "</i>	<i>" "</i>
<i>Wade Thompson</i>	<i>"</i>	<i>" "</i>	<i>" "</i>

*Proposed at meeting
9-11-95
modified -*

Amendments Needed to Series 25B
Special Boating Regulations

L.O.

3.2. Anawalt (McDowell County): Electric motors only. No boating allowed.

3.22. Cheat (Monongalia County): No restrictions. Motorboats must observe no-wake zones marked by buoys or posted signs. Motorboats and other vessels may not enter restricted areas marked by buoys or posted signs.

3.28. Daltex Dal-Tex (Logan County): Electric motors only.

3.65. Mill Creek Site 10 Elk Fork (Jackson County): Motorboats are limited to a maximum of ten (10) horsepower and must observe no wake zones marked by buoys or posted signs. Boats having motors greater than ten (10) horsepower must have the propeller removed while operating on this lake.