

OCTOBER



Monday, October 19, 1998

9:00 a.m. - 11:00 a.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss,
ex officio nonvoting member

Senate

House

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

Hunt, Chairman
Linch, Vice Chairman
Compton
Faircloth
Jenkins (Absent)
Riggs

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

The minutes of the September 22, 1998, meeting were approved.

Mr. Hunt told the Committee that the rule proposed by the *West Virginia State Treasurer's Office-Rules for Enforcement of the Uniform Unclaimed Property Act, 112CSR5*, had been removed from the agenda.

Debra Graham, Committee Counsel, stated that the rule proposed by the *West Virginia Board of Chiropractic Examiners-Regulation of West Virginia Board of Chiropractic Examiners, 4CSRI*, had been moved to the bottom of the agenda during the previous meeting because of clarification needed on the definition of chiropractic assistant. She reviewed the new provisions which had been distributed to the Committee.

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

Ms. Graham stated that the rule proposed by the *West Virginia Economic Development Authority-General Administration of the West Virginia Capital Company Act: Establishment of the Application Procedures to Implement the Act, 117CSRI*, had been removed from the agenda at the previous meeting. Ms. Graham reviewed her abstract and informed the Committee that the agency has agreed to technical modifications. Mike McThomas, an attorney representing the Authority, and Charlie Lorensen, an attorney with firm of George and Lorensen, addressed the Committee and responded to questions.

Mr. Buckalew moved that Sections 6.1, 6.10b and 6.12 of the proposed rule be modified in accordance with the suggestions of Mr. Lorensen. A copy of the proposed modification was distributed to the members of the Committee.

Ms. Compton moved that the proposed rule be moved to the foot of the agenda. The motion was adopted.

Ms. Graham explained that the rule proposed by the *Department of Administration-State Purchasing Card Program, 148CSR7*, had been laid over from the previous meeting.

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

Ms. Graham stated that the rule proposed by the *Human Rights Commission-The Definition of Employee Under the West Virginia Human Rights Act, 77CSR7*, had been laid over from the previous meeting.

Ms. Boley moved that the proposed rule be moved to the foot of the agenda. The motion was adopted.

Joseph Altizer, Associate Counsel, explained that the rule proposed by the *Division of Environmental Protection-Office of Water Resources-State Construction Grants Program Rule, 47CSR33*, had been laid over from the previous meeting to allow the Division to clarify eligibility terms.

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

Ms. Graham stated that the rule proposed by the *West Virginia Board of Veterinary Medicine-Schedule of Fees, 26CSR6*, had been laid over from the previous meeting. Wanda Goodwin, Executive Director of the Board, responded to questions from the Committee.

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

Ms. Graham explained that the rule proposed by the *West Virginia Board of Veterinary Medicine-Euthanasia Technicians, 26CSR5*, had been laid over from the previous meeting. Ms. Graham reviewed her abstract on the proposed rule.

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

Ms. Graham stated that the rule proposed by the *Board of Examiners in Counseling-Licensing Rule, 27CSRI*, had been laid over from the previous meeting. Ms. Graham explained the rule. Bill Mullet, Chairman of the Board, distributed information relating to the increases in the Board's fees and answered questions.

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

Having voted on the prevailing side, Mr. Ross moved that the Committee reconsider its action on the rule proposed by the *Division of Environmental Protection-Office of Water Resources-State Construction Grants Program Rule, 47CSR33* whereby the committee approved the proposed rule as modified. The motion was adopted.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Division of Environmental Protection-Director's Office-Awarding of West Virginia Stream Partners program Grants rule, 60CSR4*, and stated that the Division has agreed to technical modifications. Jennifer Pauer, representing the Grants Program, answered questions from the Committee.

Mr. Ross moved that the rule be modified to include language that restricts equipment purchases to hand tools. The motion was rejected.

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

Mr. Altizer explained the rule proposed by the *Division of Environmental Protection-State Water Pollution Control Revolving Fund Program, 47CSR31*, stated that the Division has agreed to technical modifications and 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 *Board of Barbers and Cosmetologists-Schedule of Fines, 3CSR7*, and stated that the Board has agreed to technical modifications. She and Larry Absten, Director of the Board, responded to questions from the Committee.

Ms. Boley moved that the rule be modified to lower all maximum fines to \$200. After further discussion, Ms. Boley asked unanimous consent to withdraw her motion. There being no objection, the motions was withdrawn.

Ms. Boley moved that the rule be laid over until the next meeting and requested that staff notify Ron Brown, former Board member, of the meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the *Board of Barbers and Cosmetologists-Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians, 3CSR1*, and stated that the Board has agreed to technical modifications.

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 *Governor's Committee on Crime, Delinquency and Correction-Protocol for Law Enforcement Response to Domestic Violence, 149CSR3*, stated that the agency has agreed to technical modifications and responded to questions from the Committee.

Mr. Ross moved that the appropriate sections of the proposed rule be amended to require a dispatcher under the supervision of a police department or multiple police departments to notify the correct jurisdiction when he or she receives a call which is outside his or her police department's jurisdiction. 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 *Governor's Committee on Crime, Delinquency and Correction-Law Enforcement Training Standards, 149CSR2*. She stated that she had not discussed technical modifications with the Governor's Committee.

Mr. Ross moved that the proposed rule be laid over. The motion was adopted.

The meeting was adjourned.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, October 19, 1998
9 - 11 a.m.
Senate Finance Committee Room M-451

1. **Approval of Minutes** - Meeting of September 22, 1998.
2. **Review of Legislative Rules:**
 - a. **West Virginia Board of Chiropractic Examiners**
Regulation of West Virginia Board of Chiropractic Examiners, 4CSR1
 - b. **West Virginia State Treasurer's Office**
Rule for Enforcement of the Uniform Unclaimed Property Act, 112CSR5
 - c. **West Virginia Economic Development Authority**
*General Administration of the West Virginia Capital Company Act:
Establishment of the Application Procedures to Implement the Act, 117CSR1*
 - d. **Administration**
State Purchasing Card Program, 148CSR7
 - e. **Human Rights Commission**
*The Definition of Employee Under the West Virginia Human Rights Act,
77CSR7*
 - f. **Division of Environmental Protection - Office of Water Resources**
State Construction Grants Program Rule, 47CSR33
 - g. **West Virginia Board of Veterinary Medicine**
Schedule of Fees, 26CSR6
 - h. **West Virginia Board of Veterinary Medicine**
Euthanasia Technicians, 26CSR5
 - i. **Board of Examiners in Counseling**
Licensing Rule, 27CSR1
 - j. **Division of Environmental Protection-Director's Office**
Awarding of West Virginia Stream Partners Program Grants Rule, 60CSR4
 - k. **Division of Environmental Protection**
State Water Pollution Control Revolving Fund Program, 47CSR31

- l. **Board of Barbers and Cosmetologists**
Schedule of Fines, 3CSR7
- m. **Board of Barbers and Cosmetologists**
Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians, 3CSR1
- n. **Governor's Committee on Crime Delinquency and Correction**
Protocol for Law Enforcement Response to Domestic Violence, 149CSR3
- o. **Governor's Committee on Crime Delinquency and Correction**
Law Enforcement Training Standards, 149CSR2

3. Other Business .

Monday, October 19, 1998

9:00 - 11:00 a.m.

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

Senate Finance Room

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate
Ross, Chair
Anderson, Vice Chair
Bowman
Macnaughtan
Boley
Buckalew

House
Hunt, Chair
Linch, Vice Chair
Compton
Jenkins
Faircloth
Riggs

Minutes approved

Chiropractors

Boley
adopted

Approve as mod

WEDPA - Econ Admin

Ross

Approve as mod

Buckalew

McThomas & Lorenson addressed the C and responded
to Q's

→ Proposed mod

Compton
adopted

Move to foot of bills

Admin - Purchasing Card

Ross
adopted

Approve w/mod

Human Rts -

Boley

Foot of agenda

Ross adopted DEP - ~~FE~~ State Construction
Approve as mod

Ross adopted Vets - Fees
Approved as mod
Wanda Goodwin answered q's
Farcloth - "No"

Ross Vets - CAET
I explained
Approve as mod

Buckalew adopted Counseling - Licensing
Bill Mullett, Chairman responded to q's
Approve

Ross adopted DEP - State Constr. Grants
Reconsider action
Approve - adopted

Ross adopted DEP - Stream Partners
Joe explained & responded to q's
Jennifer Powell responded to questions
Approve as mod
money may only be used to buy hand tools

DKP - H2O Pollution Resolving Fund

Joe explained

Ross
adopted

Approve as mod

Bd of Barbers - Schedule of Fines

I explained the proposed rule

Larry Absten, Dir of the Bd responded to r.

Anderson

Approve as mod.

Boley

Mod - lower to \$200

adopted

w/drawn mod

lay over & notify Brown (December) ^{Next meeting}

Barbers & Cosmetologists

Ross
adopted

Approve as mod

Govs Committee - Protocol

Amend

~~Mod~~ - require dispatcher to notify correct county

Ross
adopted

Ross
adopted

Approve as mod & amend

Govs Comm.

Ross

Lay over til Counsel meets w/

OCTOBER INTERIM SCHEDULE

Legislative Interim Meetings

October 18, 19 and 20, 1998

Monday, October 19, 1998

9:00 - 11:00 a.m.

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

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

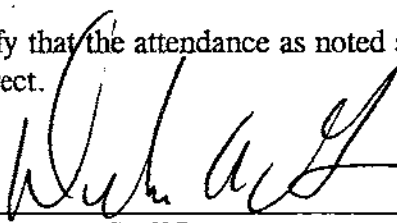
Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Bowman ✓
Macnaughtan ✓
Boley ✓
Buckalew ✓

House

Hunt, Chair ✓
Linch, Vice Chair ✓
Compton ✓
Jenkins ✓
Faircloth ✓
Riggs ✓

I certify that the attendance as noted above
is correct.



Staff Person

Debra

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, October 19, 1998
9 - 11 a.m.
Senate Finance Committee Room M-451

1. **Approval of Minutes** - Meeting of September 22, 1998.

2. **Review of Legislative Rules:**

a. **West Virginia Board of Chiropractic Examiners**

*Regulation of West Virginia Board of Chiropractic Examiners, 4CSR1
lay over because of CA - training - definition*

*Boley moves bill w/ technical modification
Passed*

b. **West Virginia State Treasurer's Office**

*Rule for Enforcement of the Uniform Unclaimed Property Act, 112CSR5
removed from the agenda*

*Put on
November*

Jessell

West Virginia Economic Development Authority

General Administration of the West Virginia Capital Company Act:

*Establishment of the Application Procedures to Implement the Act, 117CSR1
reviews abstract, agreed to tech. modifcat*

Ross w/ modifcats

Bucklew - moves to S. amendm

Mr. Thomas, attorney, address to comle, more ge

Mr. Lawrence - Jumbo Capital

*Compton moves bill to agenda w/ modifcats to Sen Bucklew
~~Compton to amend~~ mod cared*

d. **Administration**

State Purchasing Card Program, 148CSR7

rule to be amended - D explains to amend
Re move to rule w/ technical modification
most cared

Justice

e. **Human Rights Commission**

The Definition of Employee Under the West Virginia Human Rights Act, 77CSR7

Boley move to rule to fl v / agenda
most cared

f. **Division of Environmental Protection - Office of Water Resources**

State Construction Grants Program Rule, 47CSR33

lad O - bes v eligible

Re move to rule ~~with technical modification~~ w/ modifications
psd

Re move reconsider act - rule

Re move rule w/ modifications

g. **West Virginia Board of Veterinary Medicine**

Schedule of Fees, 26CSR6

D explained rule was lad O bes v of v fees (applies
must fees) not answer q's

Wanda Lordum: more of L / Emile

Re move w/ technical modification - most cared

Janet/other voted - 1 negative

Board of Barbers and Cosmetologists

Schedule of Fines, 3CSR7

DAG, explains to me, more go - ~~abuse~~, LTB.
responds to go L C.

Andis moves to rule w/ technical modification

Sr. Boley offers modification to for minimum fine \$20 a da
withdraw modification - + move rule to O if not
met at meeting John Brown - la O ~~at meeting~~
most cared

m. Board of Barbers and Cosmetologists

Procedures, Criteria and Curricula for Examination and Licensure of Barbers,
Cosmetologists, Manicurists and Aestheticians, 3CSR1

DAG, explains rule - B agrees to technical modification

Ross moves w/ technical modification - rule cared

n. Governor's Committee on Crime Delinquency and Correction

Protocol for Law Enforcement Response to Domestic Violence, 149CSR3

DAG, explains rule, more go

Re moves to ~~amend~~ w/ 911 operators - procedure taking care
most cared

Re moves to modification to amend - most cared

o. Governor's Committee on Crime Delinquency and Correction

Law Enforcement Training Standards, 149CSR2

DAG, explains rule

Ross moves to la O rule proper rule

Comments w/ advice

3. Other Business.

November

November

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: _____ Date _____

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Joseph M. Carter DC	1806 36 th St Parkersburg	WV Board of Chiropractors	
Larry Absten	1716 Penn. Ave. Char.	Bd of Barbers & Cosmetologists	
Dwight Smith		State Treasurer's office	
Chris Gordon	Capitol Complex Bldg 3, Room 518 Charleston	WV Bureau Public Health	
Bee Mullett	1230 Montgomery Dr Charl WV 25314	WV Bd Counseling	
Mike Johnson	617 Broad St.	WV DEP	
Jack P. Macdonald	STATE CAPITOL Building 1 Room 100 W	STATE Auditor's office.	
DIANA STOUT	1900 KANAWHA BLDG, E-122	TREASURER'S OFFICE	
Robert Coontz	617 Broad St.	WV DEP	
MARY KAY BUCHMELTCH	OFFICE OF A.G.	Human Rights Commission	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: _____ Date _____

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Wanda Goodwin	Guthrie Ctr	Bd. of Veterinary Medicine	
DIANE FROST	State Capitol Bldg. Building 1 Room 120	State Auditor office	
Sandy Murphy	Bowles Rice		

S4-1-15. Chiropractic Assistants

15.1 A licensed chiropractor may employ chiropractic assistants to perform operational functions as well as selective and delegated tasks upon the prior approval of the supervising licensed chiropractor. Tasks which may be delegated to a chiropractic assistant include but are not limited to the following: set up and administration of electrical muscle stimulation, ultrasound, traction, diathermy, hydrocollation, cryotherapy, blood pressure examinations, range of motion examinations and patient histories.

15.2 The licensed chiropractor shall ensure that a chiropractic assistant receives proper training before beginning his or her duties and also receives periodic training. The licensed chiropractor may provide the required training or may require that the chiropractic assistant acquire the required training from a program accredited by the Council on Chiropractic Education (CCE) or the West Virginia Board of Chiropractic. The licensed chiropractor shall document the training received by each chiropractic assistant employed by him or her and keep the documents in the chiropractic assistant's employee file.

15.3 The licensed chiropractor that is responsible for assigning duties to a chiropractic assistant is solely responsible for determining that the chiropractic assistant is competent to perform the assigned duties. Further, no licensed chiropractor shall assign any duties to a chiropractic assistant until the licensed chiropractor is assured through personal observation and training that the chiropractic assistant is fully competent and completely qualified to perform the assigned duties.

West Virginia Board of Examiners in Counseling
Issues Related to Change of Fees
September 21, 1998

The West Virginia Board of Examiners in Counseling, following a legislative audit and review in FY 1995, made the following changes in the way we were doing business:

- Negotiated with Marshall University Graduate College (MUGC) for office space, use of equipment, maintenance and utilities.
- Purchased an 800 number for access to the public and to licensees
- Hired a program specialist to carry out administrative activities of the Board previously done by a volunteer staff
- Provided daily access to the board by having the program specialist available 20 hours a week.
- Purchased equipment necessary for access to records and licensing information. (Computer and programming.)

At the time these changes were made, the Board had a carry-over amount of \$27,000. (This reflected monies not spent when a volunteer staff was providing services by telephone and mailbox.)

During the past three years, the expenditures have increased significantly. These increases reflect the Performance Evaluation Review Division (PERD) recommendations.

The Board collects renewal fees during the last few months of the "odd" fiscal years. (1995, 1997, 1999). Board costs increase as a result of the biennial renewal cycle and are reflected in the anticipated costs for FY 1999 and 2000.

The Board is unable to meet its obligations on the present fee structure.

The attached information on expenditures and income reflects the contribution of MUGC. If this were not available, the expenditures would increase by approximately \$15,000 annually. The proposed fee structure will not allow for the Board to operate without the office space and services now provided by MUGC.

West Virginia Board of Examiners in Counseling
 Issues Related to Change of Fees
 September 21, 1998

Estimated Expenditures for FY 1999 and FY 2000

Expense	Explanation	1999	2000
Program Specialist	30 hrs / week x \$14/hour	21,840	21,840
Temporary Help	Hired to expedite the processing of renewals @ \$7/hr	3,360	1,120
Board Meetings	Per diem and travel for 7 Board members x 12 meetings	9,100	6500
Legal Expenses	Reimbursement for Asst. A.G. work	3,000	3,000
Risk Management		1,000	1,000
Telephone	80 = 150/mo. Long-distance and Bell Atlantic	3,000	3,000
Office Supplies	Includes stationary, printing, computer supplies, copying	3,750	1,250
Postage		3,700	1,300
Association Dues		300	300
Complaint Investigations	Estimated cost for investigation and hearings.	3,500	3,500
SUBTOTAL		52,550	42,810
Office Rent	Contributed by MUGC	10,000	10,000
Maint/Utilities	Contributed by MUGC	2,000	2,000
Support Serv.	Contributed by MUGC	1,200	1,200
Equipment	Contributed by MUGC	1,200	1,200
TOTAL		66,950	57,210

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FY	Income	Expenditures	Carry-over @ end of FY 21,245.00
1996	27,340.00	20,984.00	27,601.00
1997	24,067.00	40,434.00	11,234.00
1998	18,880.00	+ 23,764.00	6,350.00
1999	32,000.00*	**52,550.00	-14,200
2000	13,000.00*	**42,810.00	-44,010

+ Expenditures were reduced because funding was not available for staffing the office.

*Estimated with present fees of \$50 for application and \$25 for renewal.

** Estimated expenses, not counting the MUGC contribution

West Virginia Board of Examiners in Counseling
 Issues Related to Change of Fees
 September 21, 1998

FY	Income	Expenditures	Carry-over @ end of FY 21,245.00
1996	27,340.00	20,984.00	27,601.00
1997	24,067.00	40,434.00	11,234.00
1998	18,880.00	23,764.00	6,350.00
1999	+76,750.00	**52,550.00	30,550.00
2000	+16,750.00	**42,810.00	4,490.00

Estimates based on proposed fee increases to \$120 Application and \$75 biennial Renewal

FY	Income	Expenditures	Carry-over @ end of FY 21,245.00
1996	27,340.00	20,984.00	27,601.00
1997	24,067.00	40,434.00	11,234.00
1998	18,880.00	23,764.00	6,350.00
1999	62,550.00	**52,550.00	16,350.00
2000	14,550.00	**42,810.00	-11,191.00

Estimates based on fee increases to \$100 for Application and \$60 for biennial Renewal.

FY	Income	Expenditures	Carry-over @ end of FY 21,245.00
1996	27,340.00	20,984.00	27,601.00
1997	24,067.00	40,434.00	11,234.00
1998	18,880.00	23,764.00	6,350.00
1999	51,800.00	**52,550.00	5,600.00
2000	11,800.00	**42,810.00	-25,410.00

Estimates based on fee increases to \$75 for Application and \$50 for biennial Renewal.

** Estimated expenses, not counting MUGC contribution

Amendment to Title 117, Series 1 Legislative Rule

1. On page 15, § 117-1-6.1 eleventh line after the semicolon, insert the following:

"(ii) In Authorized Investments;"

and redesignating the remaining subdivisions.

2. On page 22, § 117-1-6.10.b, after line 8, insert the following:

"2. Authorized Investments;"

and redesignating the remaining subdivisions.

3. On page 23, after the end of § 117-1-6.12, by inserting the following:

"6.12 Authorized Investments. -- For purposes of Section 6 of this Rule, "Authorized Investments" are investments by a Qualified Company that meet all the requirements of Qualified Investments except that such investments are not required to be maintained for period of at least five (5) years, and such investments may require repayment or include an option to compel repurchase prior to the expiration of five (5) years from the initial date of the investment by the Qualified Company. To illustrate, a three-year loan to a West Virginia Business that would be a Qualified Investment but for the three-year term constitutes an Authorized Investment. A Qualified Company must designate an investment as a Authorized Investment at the inception of the investment, and report the same to the Authority together with such other information as is requested by the Authority. Authorized Investments do not satisfy the Schedule of Qualified Investments set forth in Subsection 6.3 of this Rule."

Tuesday, October 20, 1998

9:00 am - 11:00 am

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

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss,
ex officio nonvoting member

Senate

House

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

Hunt, Chairman
Linch, Vice Chairman
Compton (Absent)
Faircloth
Jenkins
Riggs

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

Debra Graham, Committee Counsel, explained the rule proposed by the *State Tax Commission-Valuation of Active and Reserve Coal Property for Ad Valorem Property Tax Purposes, 110CSR11*, and stated that the Commission has agreed to technical modifications. She and Jerry Knight, Director of the Property Tax Division, responded to questions from the Committee. Jeff Kern, President of Research Technical Corporation, gave a presentation to the Committee on the mapping his company is doing for the valuation of coal and answered questions.

Mr. Hunt moved that the proposed rule be moved to the foot of the agenda. The motion was adopted.

Ms. Graham stated that the rule proposed by the *West Virginia Economic Development Authority-General Administration of the West Virginia Capital Company Act: Establishment of the Application Procedures to Implement the Act, 117CSR1*, had been moved to the bottom of the agenda at the previous meeting.

Mr. Buckalew asked unanimous consent to withdraw the modification he had made at the previous meeting. There being no objection, the motion was withdrawn.

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

Ms. Graham stated that the rule proposed by the *Human Rights Commission-The Definition of Employee Under the West Virginia Human Rights Act, 77CSR7*, had been moved

to the foot of the agenda at the previous meeting. Ms. Graham explained the rule. She and Mary Kay Buckmelter, Deputy Attorney General, responded to questions from the Committee.

Mr. Jenkins moved that the proposed rule be moved to the foot of the agenda. The motion was adopted.

Ms. Graham explained the rule proposed by the *State Tax Commission-Valuation of Natural Resources Other Than Coal, Oil or Natural Gas for Ad Valorem Property Tax Purposes, 110CSR1K*, and stated that the Commission has agreed to technical modifications. She and Mr. Knight responded to questions from the Committee.

Mr. Hunt 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 Commission-Valuation of Producing and Reserve Oil and Natural Gas for Ad Valorem Property Tax Purposes, 110CSR1J*, and stated that the Commission has agreed to technical modifications. She and Mr. Knight respond to questions from the Committee. Mr. Knight stated that in Section 4.6.3 of the proposed rule the word "personal" property needs to be changed to the word "real". Robert Hoffman, Director of the Legal Division, and Don Hebb, representing the Tax Division, responded to questions from the Committee.

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

Having voted on the prevailing side, Mr. Anderson moved that the Committee reconsider its action on the rule. The motion was adopted.

Mr. Buckalew moved that Section 4.6.3 of the proposed rule be modified to refer to real property instead of personal property. The motion was adopted.

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

Ms. Graham explained the rule proposed by the *State Tax Commission-Valuation of Timberland and Managed Timberland, 110CSR1H*, and stated that the Commission has agreed to technical modifications. Edward Murriner, representing the Division of Forestry, responded to questions from the Committee.

Mr. Anderson moved that Section 12.2 of the proposed rule be modified to provide that silvicultural activities do not constitute a nuisance at common law.

Ms. Boley moved that the proposed rule be laid over until the next meeting. The motion was adopted.

Mr. Faircloth moved that Counsel be directed to send a letter to the *Division of Health* regarding the rules proposed by the Division, *Public Water Systems Capacity Development*,

64CSR61, and *Public Water System Design Standards, 64CSR77*, requesting that the Division reopen the comment period. The motion was adopted.

Ms. Graham told the Committee that they would not meet during the November interims in Parkersburg, but that, because of the number of rules abstracted and ready for the Committee, the Committee needs to meet for a full day in November. She distributed a list of the rules abstracted and ready for the Committee's consideration. The Committee directed her to schedule a meeting for Tuesday, November 10, 1998.

The meeting was adjourned.

● Silvicultural activities, including harvesting, on managed timberland do not constitute a nuisance at common law, nor are such activities a nuisance under any of the statutes or regulations of this state.



OCTOBER INTERIM SCHEDULE

Legislative Interim Meetings

October 18, 19 and 20, 1998

Tuesday, October 20, 1998

9:00 - 11:00 a.m.

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

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

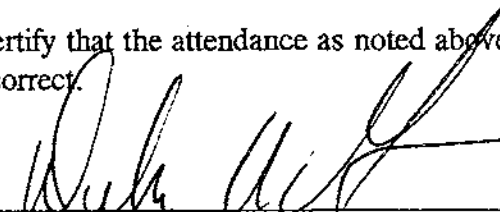
Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Bowman ✓
Macnaughtan ✓
Boley ✓
Buckalew ✓

House

Hunt, Chair ✓
Linch, Vice Chair ✓
Compton ✓
Jenkins ✓
Faircloth ✓
Riggs ✓

I certify that the attendance as noted above
is correct.



Staff Person

Debra

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Tuesday, October 20, 1998

9 - 11 a.m.

Senate Finance Committee Room M-451

1. Review of Legislative Rules:

- a. **West Virginia Economic Development Authority**
*General Administration of the West Virginia Capital Company Act:
Establishment of the Application Procedures to Implement the Act, 117CSR1*
- b. **Human Rights Commission**
*The Definition of Employee Under the West Virginia Human Rights Act,
77CSR7*
- c. **State Tax Commission**
*Valuation of Active and Reserve Coal Property for Ad Valorem Property Tax
Purposes, 110CSR1I*
- d. **State Tax Commission**
*Valuation of Natural Resources Other Than Coal, Oil or Natural Gas for Ad
Valorem Property Tax Purposes, 110CSR1K*
- e. **State Tax Commission**
*Valuation of Producing and Reserve Oil and Natural Gas Ad Valorem Property
Tax Purposes, 110CSR1J*
- f. **State Tax Commission**
Value of Timberland and Managed Timberland, 110CSR1H

2. Other Business .

Day, October 20, 1998

9:00 - 11:00 a.m.

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

Senate Finance Room

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

- ✓ Ross, Chair
- ✓ Anderson, Vice Chair
- ✓ Bowman
- Macnaughtan
- ✓ Boley
- ✓ Buckalew

House

- ✓ Hunt, Chair
- ✓ Lynch, Vice Chair
- Corapton
- ✓ Jenkins
- ✓ Faircloth
- ✓ Riggs

State Tax C - Coal

I explained & ans'd questions

Terry Knight responded to questions

Jeff Kern - Pres, Research Techn Corp

Foot of the agenda or til experts can be back

✓ adopted

EDA

Buckalew request w/drawal of modification

Approve w/mod

Hunt adopted

Human Rts Commission - Def of term Elec

I reexplained & responded to questions

Mary Kay responded to questions

Jenkins
Foot
of
the agenda
adopted

Tax - Value other property

I explained

Terry ans'd questions

Approved as mod

Hunt adopted

Tax - Value of Oil

I explained

Jerry Knight responded to q's

Booklet
modification
adopted

§ 4.6.3 needs to be changed from "personal" property
to "real" property

Bob responded to questions

Don Hebb " " "

Hunt
adopted

Approve as mod

Anderson Reconsider

Hunt Approved w/prod.

Tax - Timberland

I explain

Anderson 12.2 modification

Ed, DOF responded to q's

Boley
adopted

Lay over til next meeting

Tues Nov 10 All day meeting

Farraloth DOH - Public Drinking H₂O
reopen comment per

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, October 20, 1998
9 - 11 a.m.
Senate Finance Committee Room M-451

1. **Review of Legislative Rules:**

- ② a. **West Virginia Economic Development Authority**
General Administration of the West Virginia Capital Company Act:
Establishment of the Application Procedures to Implement the Act, 117CSR1
Bucklew modification withdrawn
Hunt move w/ technical modfications - passed
- b. **Human Rights Commission**
The Definition of Employee Under the West Virginia Human Rights Act,
77CSR7 *DA's explains to rule - DA's move go*
Mary Kay Buckmelter move go
Spinkie move to bottom of agenda - passed
- ① c. **State Tax Commission**
Valuation of Active and Reserve Coal Property for Ad Valorem Property Tax
Purposes, 110CSR11 *DA's explains the rule. - technical modif- agency agreed.*
DA's move go to rule. J. Knight responded to go to rule
Ross moves to begin presentation
Jeff Kern, re. Tom Torres - presentation
Hunt moves this item to top of agenda - mod passed
Riggs - moves to bottom of agenda & with all information has to be cleared
- d. **State Tax Commission**
Valuation of Natural Resources Other Than Coal, Oil or Natural Gas for Ad
Valorem Property Tax Purposes, 110CSR1K *DA's explains rule, move go*
J. Knight move go to rule
Hunt move rule w/ modfications - passed

e. **State Tax Commission**

Valuation of Producing and Reserve Oil and Natural Gas Ad Valorem Property
Tax Purposes, 110CSR1J DAG *plans rule*

G. Knight moves go L Cmle

Hunt move w/ modcase - good

Anders move to record

Buckalw moves & ~~cannot~~ modified

f. **State Tax Commission**

Value of Timberland and Managed Timberland, 110CSR1H - Handout
DAG *plans to rule - incl modcase - agency agrees*

Anders the modcase

Ed M — , do firstly, moves go L Cmle

Boley move to rule to lead O - pss

2. **Other Business.**

Just ~~the~~ ^{Nov 10th} between election of all de — b.

*I. dept health repr eme period &
sy drink wtr - cared*

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: _____

Date _____

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Tom Torries	Morgantown	Tax Commission	✓
Jeff Kern	State College Pa.	" "	✓
Mary Kay Buchmelter	A.G. Office	Human Rights Commission	

RULES ABSTRACTED AND READY FOR THE COMMITTEE

- a. **West Virginia State Treasurer's Office**
Rule for Enforcement of the Uniform Unclaimed Property Act, 112CSR5
- b. **Board of Barbers and Cosmetologists**
Schedule of Fines, 3CSR7
- c. **Governor's Committee on Crime Delinquency and Correction**
Law Enforcement Training Standards, 149CSR2
- d. **West Virginia State Board of Registration for Professional Engineers**
Rules of the West Virginia State Board of Registration for Professional Engineer, 7CSR1
- e. **State Tax Commission**
Tax Credits for New Value-Added Wood Manufacturing Facilities, 110CSR13M
- f. **State Tax Commission**
Tax Credits for New Steel, Aluminum or Polymer Manufacturing Operations, 10CSR13N
- g. **State Tax Commission**
Electronic Data Processing System Network for Property Tax Administration, 110CSR2
- h. **State Tax Commission**
Property Tax Valuation of Certain Manufacturing Property, 110CSR6F
- i. **State Tax Commission**
Valuation of Public Utility Property for Ad Valorem Property Tax Purposes, 110CSR1M
- j. **Department of Tax and Revenue**
Registration of Telemarketers, 119CSR301
- k. **Board of Acupuncture**
Applications for Licensure to Practice Acupuncture, 32CSR3
- l. **Board of Acupuncture**
Fees of the Board of Acupuncture, 32CSR4
- m. **Board of Acupuncture**
Advertising By Licensed Acupuncturists, 32CSR5
- n. **Board of Acupuncture**
Standards of Practice Of Acupuncture by Licensed Acupuncturists, 32CSR6

- o. **Board of Acupuncture**
Disciplinary and Complaint Procedures for Acupuncturists, 32CSR7
- p. **Board of Acupuncture**
Continuing Education Requirements, 32CSR9
- q. **Board of Acupuncture**
Code of Ethics for Licensed Acupuncturists, 32CSR10
- r. **Board of Acupuncture**
Education Requirements, 32CSR11
- s. **Board of Acupuncture**
Tutorial Education Requirements, 32CSR12
- t. **Board of Acupuncture**
Formation and Approval of professional Limited Liability Companies, 32CSR13
- u. **Division of Natural Resources**
Recycling Assistance Fund Grant Program, 58CSR5
- v. **West Virginia Board of Pharmacy**
Rules of the Board of Pharmacy, 15CSR1
- w. **Division of Health, Department of Health and Human Resources**
Lead Abatement Licensing, 64CSR45
- x. **West Virginia Division of Environmental Protection**
Sewage Sludge Management Rule, 33CSR2
- y. **Division of Culture and History**
Certified Local Government Program, 82CSR1
- z. **Division of Culture and History**
Standards and Procedures for Administering State Historic Preservation Programs, 82CSR2
- aa. **Insurance Commissioner**
Individual Accident and Sickness Insurance Minimum Standards, 114CSR12
- bb. **Insurance Commissioner**
Aids Regulations, 114CSR27
- cc. **Insurance Commissioner**
Individual and Employer Group Minimum Benefits Accident and Sickness Insurance Policies, 114CSR33
- dd. **Insurance Commissioner**
Group Accident and Sickness Insurance Minimum Policy Coverage Standards, 114CSR39

- ee. **Insurance Commissioner**
Recognizing Annuity Mortality Tables for use in Determining Reserve Liabilities for Annuities, 114CSR45
- ff. **Insurance Commissioner**
Quality Assurance, 114CSR53
- gg. **Insurance Commissioner**
Group Accident and Sickness Insurance Issuance, Portability and Marketing Requirements, 114CSR54
- hh. **Insurance Commissioner**
Guaranteed Issue of Individual Accident and Sickness Insurance, 114CSR55
- ii. **Division of Health**
Interstate Compact on Mental Health, 64CSR72

3. Other Business .