

1998 MINUTES

INTERIM MEETINGS

LRMRC Staff:

D. A. Graham-
Committee Counsel

J. A. Altizer-
Associate Counsel

R. A. Pauley -
Associate Counsel

A. R. Ross-
Admin. Asst.

INTERIM MEETINGS MINUTES



Legislative Rule-Making
Review Committee
State Capitol Building - Room MB-49

JANUARY 12

Monday, January 12, 1998

6:00 p.m. to 8:00 p.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

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

House

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 December 14 and December 16, 1997, meetings were approved.

The Chairman informed the Committee that the rules proposed by the **West Virginia State Police - Career Progression System (81CSR3)**, and **Professional Standards Investment, Employee Rights, Early Identification System, Psychological Assessment, and Progressive Discipline (81CSR10)**, have been withdrawn by the agency by a letter dated January 8, 1998.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the **West Virginia State Police - Administrative Regulations (81CSR1)**, and stated that the State Police has agreed to technical modifications. George Manahan and First Sgt. Stephen Cogar, representing the State Police, answered questions from the Committee.

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

Ms. Pauley explained the proposed rule by the **West Virginia State Police - State Police Grievance Procedure (81CSR8)**, and stated that the State Police has agreed to

technical modifications. She responded to questions and told members of the Committee that WV Code § 16-2-6 needs to be amended to remove conflicting provisions with the grievance procedure in the proposed rule.

Mr. Ross moved that staff be authorized to draft a bill to correct the statute. The motion was adopted.

Mr. Faircloth moved that the proposed rule be placed at the foot of the agenda. The motion was adopted.

Debra Graham, Committee Counsel, explained the rule proposed by the **State Fire Commission - State Building Code (87CSR4)**, and stated that the Commission 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 of the rule proposed by the **Division of Natural Resources- Falconry (58CSR65)**, and stated that the agency has agreed to technical modifications. She responded to questions from the Committee.

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

The Committee returned to the rule proposed by the **West Virginia State Police - Police Grievance Procedure (81CSR8)**.

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

Mr. Altizer explained the rule proposed by the **Division of Health - Clinical Laboratory Technician and Technologists Licensure and Certification (64CSR57)**, and stated that the Division has agreed to technical modifications.

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

Mr. Ross requested that Ms. Graham read the letter to the Committee that is being sent to Kay Howard, former Director of Regulatory Development, Division of Health, congratulating her on her retirement from the Division. Ms. Graham read the letter to the Committee.

Mr. Altizer reviewed his abstract on the rule proposed by the **Division of Health - Drinking Water Treatment Revolving Fund (64CSR49)**. Larry Arnold, Donald Kuntz and Katy Mallory, representing the Division, responded to questions from the Committee.

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

Mr. Altizer explained the rule proposed by the **Department of Environmental Protection - Office of Air Quality - To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations (45CSR7)**. Jim Elliott and Richard Quaranta, representing the Johns Manville Company in Wood County, responded to questions from the Committee.

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

Mr. Altizer explained the rule proposed by the **Auditor's Office - Transaction Fee and Rate structure (155CSR4)**. Paul Mollohan, Chief Clerk of the Auditor's Office, responded to questions from the Committee.

Mr. Faircloth moved that the proposed rule lie over until the Committee's next meeting, and that a letter be sent to the Finance Committees in both houses suggesting legislation be drafted eliminating the transaction fees. The motion was adopted.

Mr. Altizer reviewed his abstract on the rule proposed by the **Environmental Quality Board - Requirements Governing Water Quality Standards (46CSR1)**, and stated that the Board has agreed to technical modifications. He responded to questions from the Committee. Libby Chatfield, Technical Advisor to the Board, responded to questions from the Committee.

Mr. Buckalew moved that the proposed rule be modified by deleting Subsection 8.5 and Appendix F. The motion was adopted.

Ms. Chatfield stated that she could not accept the proposed modifications.

Mr. Buckalew moved that the proposed rule be amended by deleting Subsection 8.5 and Appendix F.

The motion was adopted. Ms. Compton and Mr. Macnaughtan voted "No".

Mr. Anderson moved that Section 6.2 of the proposed rule be modified by striking out the sentence: "This category includes streams on which the following are located:" and inserting in lieu thereof the following: "This category consists of only those waters less than five miles upstream of one of the following surface water intakes:"

The motion was adopted by roll call vote of 6 to 3 as follows:

YEAS: Hunt, Faircloth, Ross, Anderson, Bowman, Buckalew

NAYS: Linch, Compton, Macnaughtan.

Ms. Chatfield stated that she could not agree to the proposed modifications.

Mr. Anderson moved that the proposed rule Section 6.2 be amended by striking out the sentence: "This category includes streams on which the following are located:" and inserting in lieu thereof the following: "This category consists of only those waters less than five miles upstream of one of the following surface water intakes:"

The motion was adopted by roll call vote of 6 to 3 as follows:

YEAS: Hunt, Faircloth, Ross, Anderson, Bowman, Buckalew

NAYS: Linch, Compton, Macnaughtan.

Mr. Ross moved that Subdivision 7.2.b of the proposed rule be amended by striking out the words "trout waters nor".

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

Having voted on the prevailing side, Mr. Ross moved that the Committee reconsider its action whereby it laid over until its next meeting the rule proposed by the **Auditor's Office - Transaction Fee and Rate Structure (155CSR4)** and requested that a letter be sent to the Finance Committees in both houses suggesting legislation be drafted eliminating the transaction fees. The motion was adopted.

Mr. Ross moved that the Committee recommend that the **Auditor's Office** withdraw the proposed rule. The motion was adopted.

The meeting was adjourned.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, January 12, 1998
6:00 p.m. to 8:00 p.m.
Senate Finance Committee Room M-451

1. Approval of Minutes from December 14 & 16, 1997 Meetings

2. Review of Legislative Rules:

*Approved (a)
as mod
& amended
Approved (b)
as mod*

Environmental Quality Board
Requirements Governing Water Quality Standards (46CSR1)

Tax and Revenue Department
*Valuation of Natural Resources Property Other Than Coal,
 Oil, or Natural Gas for Ad Valorem Property Tax Purposes (110CSR1K)*

*Approved (c)
as mod*

Tax and Revenue Department
*Valuation of Producing & Reserve Oil & Natural Gas for Ad Valorem
 Property Tax Purposes (110CSR1J).*

*Laid over (d)
til next
meeting
No action (e)*

Tax and Revenue Department
Property Tax Valuation of Certain Manufacturing Property (110CSR6F)

Tax and Revenue Department
*Valuation of Active & Reserve Coal Property for Ad Valorem
 Property Tax Purposes (110CSR1I)*

*Approve (f)
as modified*

Division of Health
*Clinical Laboratory Technician and Technologist Licensure
 and Certification (64CSR57)*

*Approved (g)
as mod. Act*

State Police
Administrative Regulations (81CSR1)

Withdrawn (h)

~~**State Police**
Career Progression System (81CSR3)~~

*Approved (i)
as modified*

State Police
Police Grievance Procedure (81CSR8)

Withdrawn ✓

State Police

~~Professional Standards Investment, Employee Rights,
Early Identification System, Psychological Assessment,
and Progressive Discipline (81CSR10)~~

Approved ✓
as mod

**Radiologic Technology, WV Board of Examiners of
Continuing Education (18CSR2)**

Approved ✓
as mod

**Radiologic Technology, WV Board of Examiners of
Schedule of Fees for Services Rendered (18CSR1)**

Approved ✓
as modified

**Fire Commission
State Building Code (87CSR4)**

Approved ✓

**Division of Health
Drinking Water Treatment Revolving Fund (64CSR49)**

Laid
over ✓

**Auditor's Office
Transaction Fee and Rate Structure (155CSR4)**

Approved ✓
as modified

**Natural Resources
Falconry (58CSR65)**

⑨

**Department of Environmental Protection - Office of Air Quality
To Prevent and Control Particulate Air Pollution From Manufacturing
Process Operations (45CSR7)**

3. Other Business

Direct counsel to prepare bills with everyone from C as
sponsors; Prepare report to the Leg.

LRMRC 1/12/98

Minutes 12/14 & 16 approved
State Police - Admin Regs

Counsel explained

Buckalew Approve as mod
adopted

George Munahan
1st Sgt Steve Cogswell

State Police - Police Grievance Procedure

Counsel explained & responded to questions

Buckalew Approve as mod.

Faircloth Foot of agenda
Ross adopted Bill drafted to correct Code
adopted

Fire Commission - Bldg Code

Ross Approve as mod
adopted

DNR - Falconry
Falconry
Approve as mod

Ross adopted

State Police - Police Grievance

Buckalew's motion adopted

Health - Clinical Lab

Joe explained

Naughton
adapted

Approve as mod

Maen

Kay did great job - rule before us is entirely different

Buokalew

Ask on Kay's ltr - read to C; Note in minutes.

Health - Drinking Water

Joe explained

Larry Arnold

Don Koantz

Kate Mowry

Approve

responded to q from
addressed the C

Ross
adapted

DEP - Manufacturing

Joe explained & responded to questions

Jim Elliott, Robinson & McKelwee rep - ?

Richard ?

Auditors Off - Transaction Fee

Joe explained

Paul Malton, Chief Clerk responded to q.

Fairclough
adapted

Lay over - Finance C draft leg; ltr suggest
drop fee

Environmental Quality Bd - H₂O quality stds

Joe explained & responded to q's

Buokalew
adapted

Delete B.5 & Appendix F, (proposed mod)

Libby Chattfield - technical advisor to EQB
will not accept

gross adopted
gross adopted

\$15/yr
Hmend to \$25,00 fee for licensing

~~Reduce fee increases to \$20 5% over current~~
Bad Tech - Fee

gross adopted

Approve and mod
Gary Duff, Pres Ktee Sec of Bad Tech
Deborah Smith, Bd Member
Richard Parker, addressed the

Gift explained
Bad Tech - Cont Ed

Tuesday

gross adopted

grec withdraw

gross adopted

Reconsider Auditor Rule

gross adopted
gross adopted

Move amend 7.2b
Roll Call 6-3
Approve as mod & amended

Anderson adopted

Amend § 6.2c

Anderson adopted

Roll Call 6-3

Bookkeeper adopted

Hmend delete 8.5 - & Appendix F
Compan & MacNeigher "No"
Mod § 6.2

Ross
adopted

Judy Cooper responded to a \$3.80 copy of rule
No fees for copy of rules

Ross
adopted

Approve as mod & amended

Tax - Other

Ross

Counsel explained & responded to a
Approve as mod

Jerry Knight - responded to q

Tax - Oil & Gas

Ross
adopted

Jerry Knight responded to q
Modify 4.6.3 \$300
Approve as mod

Tax - Manuf Prop

Responded to a
Mike Basler - Spillman Thomas & Butte rep Manuf
Assn.

Ross

Mark Martin, Gen Counsel Revenue operations
Lay over

Tax - Coal

note for changes

Adjourn

4/14/98

Tax-Manuf

Mark Morton - update → reached a compromise → change will result in major decrease in tax base for Hancock, Wood & Parauha Cnty.; responded to questions.

Jerry Knight responded to questions

A dozen companies will qualify.

Mike Basile addressed the C.

Anderson
adopted

Lay over allow members to contact their constituents; wants cnties affected by rule change

Tax-Coal

Hunt
adopted

Approve as mod

Hunt
adopted

Reconsider action on Auditor's rule

Auditor

Glenn Gainer addressed the C.; responded to questions.

Anderson
adopted

\$1 cap for 3 yrs

John Purdue responded to q

Hunt
adopted

Approve as mod

JANUARY INTERIM SCHEDULE
Legislative Interim Meetings
January 11, 12, and 13, 1998

Monday, January 12, 1998

6:00 - 8:00 p.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

House

Ross, Chair	<u> ✓ </u>
Anderson, Vice Chair	<u> ✓ </u>
Bowman	<u> ✓ </u>
Macnaughtan	<u> ✓ </u>
Boley	<u> </u>
Buckalew	<u> ✓ </u>

Hunt, Chair	<u> ✓ </u>
Linch, Vice Chair	<u> ✓ </u>
Compton	<u> ✓ </u>
Jenkins	<u> </u>
Faircloth	<u> ✓ </u>
Riggs	<u> </u>

I certify that the attendance as noted above
is correct.



Staff Person

Audrey

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 1-12-98

TIME: 6:00 p.m.

NAME Present Absent Yeas Nays

HOUSE

Kiss, Robert, Speaker				
Hunt, Mark, Co-Chair	✓		✓	
Linch, Larry, Vice-Chair	✓			✓
Compton, Mary Pearl	✓			✓
Faircloth, Larry V.	✓		✓	
Jenkins, Evan				
Riggs, Dale				

SENATE

Tomblin, Earl Ray, President				
Ross, Michael, Co-Chair	✓		✓	
Anderson, Leonard, Vice-Chair	✓		✓	
Boley, Donna				
Bowman, Edwin	✓		✓	
Buckalew, Jack	✓		✓	
Macnaughtan, Don	✓			✓
TOTAL				

RE: Roll-call on Environmental Quality
Board Rule (46CSR1)
Section 7.2.6

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 1-12-98
 TIME: 6:00 p.m.

<u>NAME</u>	<u>Present</u>	<u>Absent</u>	<u>Yeas</u>	<u>Nays</u>
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HOUSE

Kiss, Robert, Speaker

Hunt, Mark, Co-Chair

Linch, Larry, Vice-Chair

Compton, Mary Pearl

Faircloth, Larry V.

Jenkins, Evan

Riggs, Dale

	✓		✓	
	✓			✓
	✓			✓
	✓		✓	

SENATE

Tomblin, Earl Ray, President

Ross, Michael, Co-Chair

Anderson, Leonard, Vice-Chair

Boley, Donna

Bowman, Edwin

Buckalew, Jack

Macnaughtan, Don

	✓		✓	
	✓		✓	
	✓		✓	
	✓			✓

TOTAL

RE:

Roll-call on Environmental Quality Board
(46 CSR 1)
Section 6.2

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule-Making Review Committee

Date Monday 1-12-98

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Jeffery R Kern	STATE COLLEGE PA	Dept Tax + Revenue	
Jerry R. Knight	Charleston W.V.	State Tax Commission	X
THOMAS F. TORRIES	MORGANTOWN, WV	DEPT. TAX & REVENUE	
Donald Herb	Charleston WV	STATE TAX Comm.	
CA Barb	Charleston, WV	State Tax Comm.	
Craig Skaggs	Dix Chas, WV	Du Pont	
LARRY ARNOLD	CHAS	DEPT. HEALTH & HUM. RES.	LAB TECH & DRINKIN H ₂ O
Libby Chaffard	"	WV Environmental Quality	
FISGT. STEPHEN COGAR	CHARLESTON	WV STATE POLICE	
PAUL S MOLLONAN	CHARLESTON	STATE AUDITOR	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule-Making Review Committee Date 1-12-98
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Grady Bowyer, RT	815 Quarrier St, suite 418 Charleston, WV 25301	WV Board of Examiners of Radiologic Technologist	
Deborah L. Smith RT(R)	1875 Coral Dr Charleston, WV 25312	W.V. Board of Examiners of Radiologic Technologist	X
Alice Belmont, R.T.	1252 Dorsey Ave Martinsburg, WV 26150	WV Board of Examiners of Radiologic Technologist	
Eva Hallis, RT(R)	1574 Smith Rd. Charleston WV 25314	WV Radiologic Technologists	
Richard C. Parker RT(R)	1529 1/2 20th St Parkersburg WV 26101-3507	Technologists of WV Radiology	
Gary W. Duff RT(R)	1030 Rt 21 Kenova, WV 25945	Technologist of WV Radiology	
Mike McThomas	Box 1791 Chas 25326	Robinson + McElwee	
Charlie Langan		Bill Raney's personal asst.	
John Mairs	P.O. Box 553 Chas	WVCA	
Louis Southworth	"	"	

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.
Chris Hamilton	Chas.	WV Coal	
Don Kuntz	CHAS.	WV Bureau for Public Health	
Russ Rader	Chas	WV BPA	
Katy Mallory	815 Quaker St Charleston	WV Bureau for Public Health	
Dick Owens	FARMONT, WV	Allegheny Power	
Richard Herd	Greensburg, PA	Allegheny Power	
Tim Mallon	charleston, WV	American Electric Power	
Dorothy Fike	HUNTINGTON	WV Society for Clin Lab Science	
Gordon Robertson	Chas.	WV DNR	
David Yaussey	Charleston	Blackhawk River-W. Assoc	X

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.
James D Elliott	Charleston	Johns Manville	
RICHARD QUARANTA	VIENNA, WV	JOHNS MANVILLE	
DAN MILLER	CHARLESTON	WV MINING	
Mark Morton	Revenue center 100 Lee st., E., Chas	WV Tax Commission	
Kimberly Chevront	100 Fair Oaks Drive Fairmont, WV 26554	Clinical Laboratory QA Advisory Board - WSSAMT	
IRVIN Miller	701 Milford St CHARLESTON, WV 26301	Chemical Laboratory Management ASSOC.	
FRANK LAMBERT	123 McGowan Rd CHARLESTON WV.	DHHR - Bureau for Public Health	
Bob Hoffman	Charleston	WV Tax Commission	
John Montgomery	Charleston	WV Tax Commission	

Handout 1/12/98



West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698
Executive Office

Cecil H. Underwood
Governor

Colonel Gary L. Edgell
Superintendent

January 8, 1998

Judy Cooper
Director, Administrative Law
Secretary of State's Office
1900 Kanawha Blvd., East, Suite 157K
Charleston, WV 25305-0070

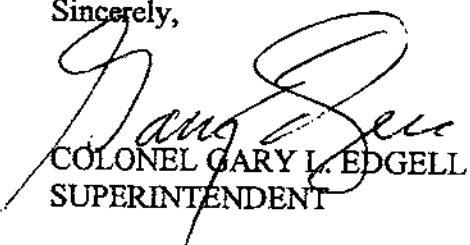
RE: 81CSR3 (Career Progression) and 81CSR10 (Professional Standards, etc.)

Dear Ms. Cooper,

I am writing in order to formally withdraw proposed changes to the above styled rules currently pending before the Legislative Rule Making Review Committee. Those proposed changes were originally filed with your office on June 26, 1997 (Series 3), and June 18, 1997 (Series 10). The State Police desires that the rules stand as originally promulgated and effective prior to those dates.

Through a copy of this correspondence, I further request that the Legislative Rule Making Review Committee remove these rules from their agenda and that no further action be taken with respect to the proposed changes.

Sincerely,


COLONEL GARY L. EDGELL
SUPERINTENDENT

PC: Rita Pauley, Counsel, Senate Judiciary Committee
Legislative Rule Making Review Committee
F/Sgt/ Rick Gillespie, President, West Virginia Trooper Association, Inc.

Handout 1/12/98



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Cecil H. Underwood
Governor

Office of the Secretary
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
Telephone: (304) 558-0684 Fax: (304) 558-1130

Joan E. Ohl
Secretary

January 12, 1998

The Honorable Mike Ross, Co-Chairman
The Honorable Mark Hunt, Co-Chairman
Legislative Rule Making Review Committee
State Capitol Complex
Building 1, Room MB-47
Charleston, West Virginia 25305

Dear Chairmen Ross and Hunt:

The Department of Health and Human Resources respectfully requests a proposed agency modification in the "Clinical Laboratory Technician and Technologist Licensure Rule, 64CSR57". The currently proposed rule under 64-57-4.3 limits the length of time an individual can remain in a trainee status to one year. Dr. Jean Holter, Program Director of the WVU Medical Technology Program, has advised us that under certain situations a student may not be able to complete their medical technology training program within one year.

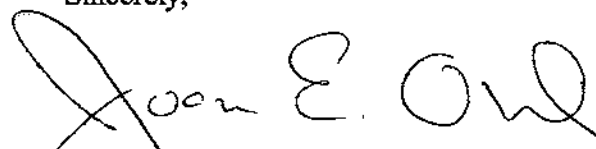
We propose the following wording be added at the end of 64-58-4.3:

Renewal of the trainee period may be issued on a year-to-year basis at the discretion of the department upon submission of an explanation satisfactory to the department for the applicant's failure to become licensed within the previous one year period. In no case will renewals be extended beyond three years after the original one year period.

We believe this modification will address the concerns of the medical technology and medical laboratory technician programs and students.

Thank you for your consideration of this modification in the rule.

Sincerely,


Joan E. Ohl
Secretary

Handout 1/13/98



State of West Virginia

OFFICE OF THE STATE TREASURER
CHARLESTON, WV 25305

JOHN D. PERDUE
STATE TREASURER

MEMORANDUM

1-800-422-7498
304-558-5000
FAX 304-558-4097

JERRY SIMPSON
ASSISTANT STATE TREASURER

To: The Honorable Michael Ross
West Virginia Senate
Co-Chairman, Legislative Rule Making Committee

The Honorable Mark Hunt
West Virginia House of Delegates
Co-Chairman, Legislative Rule Making Committee

From: Jerry Simpson
Assistant State Treasurer

A handwritten signature in cursive script, appearing to read "Jerry Simpson".

Date: January 8, 1998

Subject: Transaction Fee and Rate Structure Rules

As per your request, this memorandum is to confirm that in accordance with West Virginia Code § 12-3-10c, the State Treasurer's Office has worked with the State Auditor's Office in the development of the Legislative rules concerning the "Transaction Fee and Rate Structure". The rules as filed with the Secretary of State on January 6, 1998, reflect the culmination of that cooperative effort.

Should you have questions, or require any additional information, please call me.

JS:jp

Handout 1/2/98



The Department of Military Affairs and Public Safety

ALTER SMITTLE III
State Fire Marshal
L. DARL CROSS
Chief Deputy Fire Marshal

CECIL H. UNDERWOOD, GOVERNOR
STATE FIRE MARSHAL'S OFFICE

1207 Quarrier Street, 2nd Floor
Charleston, West Virginia 25301

Phone (304) 558-2191
FAX (304) 558-2537

TO: Glen B. Gainer III, State Auditor
FROM: Walter Smittle III, State Fire Marshal *W.S.M.*
SUBJECT: Proposed Rule for Transaction Fees
DATE: December 19, 1997

The proposed rule on transaction fees I believe, in general, is an unfair burden on state agencies because the process is mandatory. The billing of fees is a "back door" approach for increased funding for your agency and the State Treasurer's Office.

This process creates a burden on this agency which is not funded for this increased cost mandated by law. I simply review the process similar to unfunded federal mandates. Nevertheless, this agency is caught in the process without increased funding to compensate your agency.

I appreciate the opportunity to comment.

WSIII/nlo

cc: Mr. Otis G. Cox, Jr., Secretary, MAPS

✓cc: WV Legislative Rule-Making Review Committee

Ref: 121997-2

RECEIVED

DEC 23 1997

**Legislative Rule Making
Review Committee**

JANUARY 13

Tuesday, January 13, 1998

9:00 a.m. to 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
Manaughtan

Hunt, Chairman
Linch, Vice Chairman
Compton
Faircloth
Jenkins
Riggs

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

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the **Board of Examiners of Radiologic Technologists - Continuing Education (18CSR2)**, and stated that the agency has agreed to technical modifications.

Deborah Smith, representing the Board of Examiners, and Richard Parker and Gary Duff, representing the West Va. Society of Radiologic Technologists, addressed the Committee and responded to questions from the Committee.

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

Ms. Pauley explained the rule proposed by the **Board of Examiners of Radiologic Technologists - Schedule of Fees for Services Rendered (18CSR1)**, and stated that the agency has agreed to technical modifications.

Ms. Smith, Mr. Parker, and Mr. Duff responded to questions from the Committee.

Mr. Ross moved to modify subsection 3.8 of the proposed rule to reduce the license renewal fee from the proposed \$50.00 per year to \$25.00 per year. The motion was adopted. Ms. Smith stated that she could not accept the proposed modification without authorization of the Board.

Mr. Ross moved to amend subsection 3.8 of the proposed rule to reduce the license renewal fee from the proposed \$50.00 per year to \$25.00 per year. The motion was adopted.

Judy Cooper, Director of the Administrative Law Division of the Secretary of State's Office, responded to questions from the Committee. She told the Committee that the Secretary of State's Office would charge \$3.80 for a copy of the proposed rule without attached comments and \$20.00 for a copy with comments.

Mr. Ross moved that subsection 3.8 of the proposed rule be modified to delete the fees for copies of the Board's rules. The motion was adopted.

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

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the **Tax and Revenue Department - Valuation of Natural Resources Property Other Than Coal, Oil or Natural Gas for Ad Valorem Property Tax Purposes (110CSR1K)**, and stated that the agency has agreed to technical modifications. Jerry Knight, of the Property Tax Division, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the **Tax and Revenue Department - Valuation of Producing and Reserve Oil & Natural Gas for Ad Valorem Property Tax Purposes (110CSR1J)**, and stated that the agency has agreed to technical modifications. Mr. Knight responded to questions from the Committee.

Mr. Riggs moved that Subdivision 4.6.3 of the proposed rule be amended to provide that wells utilized for home-use-only be appraised at \$300 and that wells utilized for industrial-purposes-only be appraised based on the actual most-recent calendar year MCF usage, times the annual average Appalachian spot price determined by NYNEX. The motion was adopted.

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

Ms. Graham reviewed her abstract of the rule proposed by the **Tax and Revenue Department - Property Tax Valuation of Certain Manufacturing Property (110CSR6F)**, and stated that the agency has agreed to technical modifications. Mark Morton, general counsel for the Department's Revenue Operations, and Mike Basile, representing Weirton Steel; responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the **Tax and Revenue Department - Valuation of Active & Reserve Coal Property for Ad Valorem Property Tax**

Purposes (110CSR1), and stated that the Department has agreed to technical modifications.

Jerry Knight, representing the Property Tax Division, responded to questions from the Committee and distributed a revised fiscal note to the Committee.

The meeting was adjourned.

JANUARY INTERIM SCHEDULE
Legislative Interim Meetings
January 11, 12, and 13, 1998

Tuesday, January 13, 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

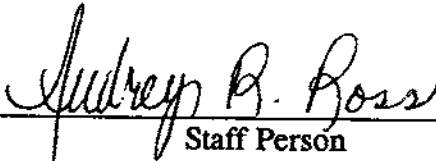
Senate

Ross, Chair
Anderson, Vice Chair
Bowman
Macnaughtan
Boley
Buckalew

House

Hunt, Chair
Linch, Vice Chair
Compton
Jenkins
Fairecloth
Riggs

I certify that the attendance as noted above
is correct.



Staff Person

Audrey

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Tuesday
1-13-98

Committee: Rule-Making Review Committee
Please print or write plainly.

Date

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
DAN MILLER	CHARLESTON	WV MINING	
Stephen Singer	Charleston	Charleston Daily Mail	
Deborah Smith	1875 Coral Dr Charleston WV 25312	W.V. Board of Examiners Radiologic Technology	X
Maek Wilcox	1310 Lyndale Dr. Charleston 25314	WV Bd. of Exam Radiologic Technology	
Grady M. Bowyer	815 Quarrier St., Suite 418 Charleston, WV 25301	WV Board of Examiners of Radiologic Technology	
Alice Belmont	1252 Dorsey Ave. Morgantown, WV 26505	WV Board of Examiners of Radiologic Technology	
DENNIS ROERUCK	958 LEXINGTON AVE F. ARBANS, WV 25177	WEST VIRGINIA SOCIETY OF RADIOL TECHNICIANS	
Mark Morton	1001 Lee St E Charleston	WV Tax Comm.	
Thomas TORRIGS	Morgantown, WV	WV Tax	
Bob Hoffman	Charleston	WV TAX	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule-Making Review Committee Date 1-13-98
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
C.A. Barlow	Charleston, WV	State Tax Comm.	
Don Helts	" "	" "	
John Montgomery	" "	" "	
G.B. Gamm	State Auditor		
Ray Wolf	Kana WV	WV Radiologic Technologist & WVSRT	X
Richard C Parker	1529 1/2 20th ST Parkersburg WV 26101	WVSRT membership and Petitioners	X
Jerry B. Knight	St. Albans, W.V.	State Tax Commission	X
Jeffrey R Kern	State College, Pa.	State Tax Commission	
Phyllis Bodden	Spillboro WV	Kanawha Valley Tools	

Handout 1/13/98

110 CSR II

**Reserve Coal Program
Proposed Rule Implementation Budget Needs
Fiscal Year 1997 - 1998**

	<u>RTC</u>	<u>Torries & Associates</u>	<u>Total</u>
<u>Initial Costs:</u>			
Data Transfer	\$ 75,900	\$ 9,600	\$ 85,500
Rules Process	40,200	14,400	54,600
Property Descriptors	<u>71,700</u>	<u>14,400</u>	<u>86,100</u>
Sub-total	<u>\$187,800</u>	<u>\$38,400</u>	<u>\$226,200</u>
<u>Contingency Costs:</u>			
Impact Notice Analysis	\$275,000	\$28,800	\$303,800
Revise Data & Formulas	<u>62,500</u>	<u>19,200</u>	<u>81,700</u>
Sub-total	<u>\$337,500</u>	<u>\$48,000</u>	<u>\$385,500</u>
Total Consultants	<u>\$525,300</u>	<u>\$86,400</u>	<u>\$611,700</u>
<u>PTD Costs:</u>			
Overtime			\$ 22,500
Temporary Help			45,000
Programming Costs			43,500
Computer Equipment/Software			<u>11,000</u>
Sub-total			<u>\$122,000</u>
Total Program Costs			<u>\$733,700</u>

JANUARY 74

Wednesday, January 14, 1998

9:00 a.m. to 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
Manaughtan (Absent)

Hunt, Chairman
Linch, Vice Chairman
Compton
Faircloth
Jenkins
Riggs

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

The Chairman reminded the Committee that Debra Graham, Committee Counsel, had explained the proposed rule by the **Tax and Revenue Department - Property Tax Valuation of Certain Manufacturing Property (110CSR6F)**, at the last Committee meeting and that the proposed rule had been laid over to allow the Department to work on modifications to the proposed rule. Mark Morton, General Counsel for the Department's Revenue Operations, explained the proposed modifications to the Committee and responded to questions. Jerry Knight, representing the Property Tax Division, and Mike Basile, representing Weirton Steel, addressed the Committee and responded to questions from the Committee.

Mr. Anderson moved that the proposed rule lie over until the Committee's next meeting to allow Committee members to contact persons affected by the proposed modifications. The motion was adopted.

The Chairman told the Committee that they had adjourned the last meeting prior to taking action on the rule proposed by the **Tax and Revenue Department - Valuation of Active and Reserve Coal Property for Ad Valorem Property Tax Purposes (110CSR1I)**.

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

Having voted on the prevailing side, Mr. Hunt moved that the Committee reconsider its action whereby it recommended that the rule proposed by the **Auditor's Office-Transaction Fee and Rate Structure (155CSR4)**, be withdrawn. The motion was adopted.

Glen Gainer, Jr., Auditor, addressed the Committee regarding the proposed rule and responded to questions from the Committee. John Purdue, Treasurer, responded to questions from the Committee.

Mr. Anderson moved that the proposed rule be modified to allow a fee of up to \$1 for a period of up to three years, at which time the Auditor would be required to request the fee be renewed. The motion was adopted.

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

The meeting was adjourned.

Attendance
ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: Wed., Jan. 14, 1998
TIME: 9:00 a.m.

NAME Present Absent Yeas Nays

HOUSE

Kiss, Robert, Speaker	_____	_____	_____	_____
Hunt, Mark, Co-Chair	✓	_____	_____	_____
Linch, Larry, Vice-Chair	✓	_____	_____	_____
Compton, Mary Pearl	✓	_____	_____	_____
Faircloth, Larry V.	✓	_____	_____	_____
Jenkins, Evan	✓	_____	_____	_____
Riggs, Dale	✓	_____	_____	_____

SENATE

Tomblin, Earl Ray, President	_____	_____	_____	_____
Ross, Michael, Co-Chair	✓	_____	_____	_____
Anderson, Leonard, Vice-Chair	✓	_____	_____	_____
Boley, Donna	✓	_____	_____	_____
Bowman, Edwin	✓	_____	_____	_____
Buckalew, Jack	✓	_____	_____	_____
Macnaughtan, Don	_____	✓	_____	_____

TOTAL _____

RE: _____

Audrey B. Ross

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Rule Making Review Committee
Please print or write plainly.

Date Wed. - 1-14-98

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Glen Garner	STATE CAPITOL	State Auditor	
Mike Beale	Spilman, Thomas & Battle	Horton Steel	
Jerry Linn	TREASURER'S OFFICE	TREASURER'S OFFICE	
Paul D. Mallick	AUDITOR'S OFFICE	AUDITOR'S OFFICE	
John MAIR	Jackson Kelly	WVCA	
Mark Morton	1001 1st St. E. Tax & Revenue	WV Tax & Rev.	
Jeffrey A. Kern	State College R	WV Tax & Rev.	
Bob Hoffman	Charleston	" " "	
C.A. Barlow	Charleston	State Tax Comm.	
John MONTGOMERY	"	"	

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.
Don Hebb	Charleston	ST TAX Comm	
Jerry A. Knight	Charleston	State Tax Commission	X
THOMAS JONES	Morgantown	State Tax Comm	
Bill RANEY	Charleston	WV Coal Assoc	
Karen Price	Charleston	WV Manufacturers Assn	
John Perdue	Charleston	Treasurer	

Handout 1/14/98



STATE OF WEST VIRGINIA
DEPARTMENT OF TAX AND REVENUE

CECIL H. UNDERWOOD
GOVERNOR

TAX DIVISION
P. O. Box 2389

ROBIN C. CAPEHART
SECRETARY

Charleston, West Virginia 25328-2389

TO: Richard E. Boyle, Jr.
Tax Commissioner

Dale W. Steager
General Counsel
Department of Tax and Revenue

Robert A. Hoffman
Director Legal Division

Jerry Knight
Director Property Tax Division

FROM: Mark S. Morton
General Counsel for
Revenue Operations

DATE: January 13, 1998

Re: Appearance before Legislative Rule Making Review
Committee tomorrow

Mike Basile appeared before the Legislative Rule Making Review Committee this morning on behalf of his client, Weirton Steel, objecting to our Senate Bill 513 Rules. He objected to the fact that our rules exclude repairs and ongoing maintenance expenses, to the extent that they reflect any purchase of personal property, from qualifying for the special property tax valuation allowed under the rule.

He made the same argument about betterments. His argument was that the statutory definition of personal property is broad enough to encompass all purchases of personal property, and the Tax Commission has no authority to limit the statute to operate only where there is a purchase of capital assets or where the purchase of replacement property must be a betterment in order to qualify for the special treatment.

The rule is to lay over one day and to be taken up at 9:00 a.m. tomorrow. Senator Ross asked that we meet with Mr. Basile and work out a resolution.

Mr. Basile is waiting for my call, and expects to meet with me, and perhaps others on this matter this afternoon.

We addressed this issue in the responses to comments to the rule as follows:

Senate Bill 513, W. Va. Code § 11-6F-1, (the Act) or (the Bill) requires that, in order for property to qualify for the special tax treatment allowed under the Act, the Taxpayer must have at least \$100 million of "original investment" in place at a preexisting manufacturing facility, and the Taxpayer must then acquire property costing in excess of \$50 million to be incorporated into or near that preexisting facility as new investment property. The new investment property will qualify for the special tax treatment.

Section 2.3.1.1 and other provisions of the rule set forth exclusions of certain types of property from the definitions of "certified capital addition property" and "qualified capital addition property" which are the measure of the cost of property that will qualify for special tax treatment under the Act.

Comments were received stating that the section 2.3.1.1 exclusions of certain types of property from the definitions of "certified capital addition property" and "qualified capital addition property" and other related provisions are too restrictive and do not comport with legislative intent. The comments argue that exclusion of costs of repairs, ongoing maintenance, non-capitalized property, replacement property and property that does not increase productive capacity will not preserve and create jobs in accordance with the legislative mandate of section 11-6F-1 of the Act. Some comments point out that the statute defines the terms "certified capital addition property" and "qualified capital addition property" broadly.

RESPONSE:

Section 11-6F-2 of the Act defines the term "personal property" as follows:

(c) "Personal property" means all property specified in subdivision (q), section ten, article two, chapter two of this code and, includes, but is not limited to, furniture, fixtures, machinery and equipment, pollution control equipment, computers and related data processing equipment, spare parts and supplies.

Section 2-2-10(q) of the West Virginia Code reads as follows:

2-2-10. Rules for construction of statutes.

The following rules shall be observed in the construction of statutes, unless a different intent on the part of the Legislature be apparent from the context:

(g) The words "personal estate" or "personal property" include goods, chattels, real and personal, money, credits, investments and the evidences thereof;

The definition of "qualified capital addition to a manufacturing facility" set forth in the Act is:

"Qualified capital addition to a manufacturing facility" means all real property and personal property, the combined original cost of all of the property which exceeds fifty million dollars to be constructed, located or installed at or within two miles of a manufacturing facility owned or operated by the person making the capital addition that has a total original cost before the capital addition of at least one hundred million dollars

Emphasis added.

However, section 11-6F-4 states in relevant part that the Tax Commissioner will certify qualified capital additions to a manufacturing facility and requires that:

After the state tax commissioner determines that property is or will be part of a qualified capital addition to a manufacturing facility, the property is and remains certified capital addition property for purposes of this article until the earlier of: (a) The disposition of the property to an unrelated third party other than a transferee who continues to operate the manufacturing facility; (b) the cessation of all business at the manufacturing facility; or (c) the tenth year succeeding the year in which the qualified capital addition to a manufacturing facility to which the property relates is first placed in service. ←

This language clearly contemplates the continued long term retention and operation of property that constitutes a "qualified capital addition to a manufacturing facility." It clearly contemplates such property as being long term capital asset type property, and not inventories or expense items such as raw materials, or consumable supplies etc. which are owned or used by the Taxpayer for a comparatively short time and then sold, used up or disposed of. The Act repeatedly refers to "capital" additions.

The definition of "qualified capital addition to a

manufacturing facility" set forth in the Act "means all real property and personal property" In turn, personal property, defined by reference in the Act to section 2-2-10(q) of the West Virginia Code, includes "goods, chattels, real and personal, money, credits, investments and the evidences thereof."

Certainly, "goods, chattels . . . , money, credits . . . and evidences [of investment]" include non-capitalized property. Indeed, money, credits and evidences of investment would almost never be considered ordinary capitalized assets. Even though the aforementioned definitions contain broad language that could be interpreted to include these non-capitalized assets, it is the interpretation of the Department of Tax and Revenue that the terms should be construed to have a more limited meaning. The terms "qualified capital addition to a manufacturing facility" and "certified capital addition property," read in pari materia with the above quoted language of section 11-6F-4, will be interpreted to mean and be limited to assets required to be capitalized for federal income tax purposes which represent a true capital expansion of a manufacturing operation.

The Act was intended to address capital additions, and not purchases of inventory and other non-capitalized property. Further, the terms "qualified capital addition to a manufacturing facility" and "certified capital addition property" do not mean or include costs of repairs (whether capitalized or not), replacement property, facility maintenance, or investment that does not create additional manufacturing production capacity.

The first sentence of section 11-6F-1, which sets forth the findings of the Legislature, states that "The Legislature finds that the encouragement of economic growth and development in this state is in the public interest and promotes the general welfare of the people of this state." The intent of the Act was to foster and provide incentives for economic development. Ongoing facility maintenance, repairs, and replacements of property in the day to day operation of a manufacturing facility are certainly necessary to the continuing operation of such facilities. However, they do not represent "economic growth and development." Although the ongoing operation of manufacturing businesses is most laudable, repair, maintenance and replacement costs in essence represent no increase in the number of jobs in West Virginia, no increase in the production of West Virginia products, no increase in sales of West Virginia products, no increase in the sales of other West Virginia manufacturers, vendors or businesses, and no improvement, growth or expansion of the West Virginia economy.

The Act was not meant to provide special tax treatment for property or purchases related to these types of costs.

Notwithstanding the fact that pollution abatement equipment typically does not create additional manufacturing capacity, new

capital investment in pollution abatement property will count toward the measure of the original cost of a preexisting facility under the rules. This provision was adopted because under the current regulatory climate, it is necessary for a manufacturing company to make investment in this type of property in order to pursue expansions representative of true economic growth and development as contemplated by the Legislature. Where new investment is made in pollution abatement property, the cost of such property will count toward the measure of the cost of qualified capital addition property. Investment in pollution abatement property will not include costs of repairs (whether capitalized or not), replacement property, equipment maintenance or ongoing operating expenses associated with pollution control property.

Under the rule, replacement property will not constitute qualified capital addition to a manufacturing facility or certified capital addition property. Replacement property essentially represents property purchased to replace worn out property that the Taxpayer had to replace as a matter of ongoing ordinary maintenance. Had the old property not worn out, the investment would not have been made. Investment in the replacement property is not intended to result in a significant expansion of the operation. It is a mere replacement of existing property for the purpose of keeping operations going.

The rule allows qualification of replacement property which is installed or constructed to replace property that was destroyed by flood, storm or other casualty, but the measure of the cost of such replacement property under the rule will be reduced by any insurance proceeds received in compensation for the loss.

Replacement property does not typically contribute to an expansion of productive capacity, or economic growth except to the extent that such property includes a "betterment." The term "betterment" is defined in the rule to mean replacement property which, within defined minimums, enlarges productive capacity, economic efficiency or the quality, efficiency or extent of pollution abatement capabilities of the facility in which the replacement property is installed or placed. Qualified betterments (in combination with other new investment property that, with such betterment, has an aggregate cost in excess of \$50 million) will qualify for the special tax treatment under the rule.

JANUARY 21

Wednesday, January 21, 1998

1:00 p.m. to 2:00 p.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

Ross, Chairman
Anderson, Vice Chairman
Boley
Bowman
Buckalew
Manaughtan

House

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

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

The Chairman reminded the Committee that Debra Graham, Committee Counsel, had explained the proposed rule by the **Tax and Revenue Department - Property Tax Valuation of Certain Manufacturing Property (110CSR6F)**, at the last Committee meeting and that the proposed rule had been laid over to allow the Department to work on modifications to the proposed rule. Rich Boyle, State Tax Commissioner and Mark Morton, General Counsel for Revenue Operations, explained the proposed modifications to the Committee and responded to questions. Jerry Knight representing the Property Tax Division; Karen Price, of the West Virginia Manufacturer's Association; Dana Davis from the West Virginia Development Office; Bob Hoffman of the Tax and Revenue Department; and Mike Basile, representing Weirton Steel, addressed the Committee and responded to questions from the Committee.

Mr. Linch moved that the proposed rule be modified to allow repair and maintenance to qualify for the tax credit. The motion was rejected.

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

Ms. Graham explained that the rules filed by the **Governor's Committee on Crime, Delinquency and Correction - Protocol for Law Enforcement Response to Domestic Violence (149CSR3)** and **Board of Occupational Therapy - Administrative Rules (13CSR1)**, had been approved by the Committee as modified and amended.

She stated that both agencies, when they filed their modified rule, had incorporated the Committee amendments, and therefore amendments are no longer needed.

Mr. Hunt moved that the Committee reconsider its action whereby it approved as modified and amended the rules proposed by the **Governor's Committee on Crime, Delinquency and Correction - Protocol for Law Enforcement Response to Domestic Violence (149CSR3)** and **Board of Occupational Therapy - Administrative Rules (13CSR1)**. The motion was adopted.

Mr. Anderson moved that the rules proposed by the **Governor's Committee on Crime, Delinquency and Correction - Protocol for Law Enforcement Response to Domestic Violence (149CSR3)** and **Board of Occupational Therapy - Administrative Rules (13CSR1)** be approved as modified. The motion was adopted.

Mr. Hunt moved that the Committee direct the staff to prepare the Committee's report to the Legislature, draft and cause to be introduced a bill of authorization for each rule considered by the Committee, and place each Committee member's name of each bill in their respective Houses. The motion was adopted.

The meeting was adjourned.

LRMRC 1/21/98

Called to order by Ross
Mark Norton, Richard Boyle, State Tax C
addressed C; Boyle responded to a

Bob Hoffman

Mike Basile & Winton Steele

Karen Price

Dana Davis

adopted

Boley

move rule w/ tech mod

Lynch
rejected

Proposed mod allow repair & maintenance

Jerry Knight responded to a

Hunt

reconsider 2 rules

Anderson

Approve as mod

adopt

Hunt

Bills & report

Attendance

~~MEMORANDUM~~ - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: Wednesday - Jan. 29, 1998

TIME: 1:00 p.m.

NAME Present Absent Yeas Nays

HOUSE

Kiss, Robert, Speaker	_____	_____	_____	_____
Hunt, Mark, Co-Chair	✓	_____	_____	_____
Linch, Larry, Vice-Chair	✓	_____	_____	_____
Compton, Mary Pearl	_____	_____	_____	_____
Faircloth, Larry V.	✓	_____	_____	_____
Jenkins, Evan	✓	_____	_____	_____
Riggs, Dale	✓	_____	_____	_____

SENATE

Tomblin, Earl Ray, President	_____	_____	_____	_____
Ross, Michael, Co-Chair	✓	_____	_____	_____
Anderson, Leonard, Vice-Chair	✓	_____	_____	_____
Boley, Donna	✓	_____	_____	_____
Bowman, Edwin	✓	_____	_____	_____
Buckalew, Jack	✓	_____	_____	_____
Macnaughtan, Don	✓	_____	_____	_____

TOTAL _____

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: LRMRC

Date 1-21-98

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
ELLIOT PERRY	215-E	DEL. HUNT	
Stephen Singer		Charleston Daily Mail	
Jerry A Knight	Charleston	State Tax Commission	
Stephen C. SLUSS	Kanawha Co. Courthouse	Kanawha Assessor's Office	
JOHN MONTGOMERY	CHARLESTON, WV	TAX & REVENUE	
BOB Hoffman	"	" "	
Mark Morton	"	"	
Robin Crouche	2020 Kan Blvd E, Chas	WV Municipal League	
Patti Hamilton	2211 Washington St, E	WV Assoc. of Counties	
Vivian Parsons	2211 Wash. St. E, JNF PI	City Commissioners Assoc WV	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: LRMRC Date 1-21-98

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Amund M. Shank	P.O. Box E, Janesville, W.V.	Co. Comm. Associates	
George J. Kource	P.O. Box 39 New Cumberland W.V.	Hancock Co. Comm	
Chailie Lorenson	Charleston	George & Lorenson PLLC	
John Mairs	Charleston	Jackson & Kelly	
Karen Price	Charleston	WV Manufacturers Assn	
Dana Davis	Charleston	WV Dev. Office	
Mike Bate	Charleston	Spina, Thomas & Bettle	