

NOVEMBER

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, November 12 , 2000
4 p.m. to 6 p.m.
Senate Finance Committee Room, M-451

1. Approval of Minutes - October 16, 2000.
2. Review of Legislative Rules:
 - a. Board of Barbers and Cosmetologists
Continuing Competence, 3CSR8
 - b. Tax Commissioner
Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4
 - c. Bureau for Child Support Enforcement
Obtaining Support from Federal and State Income Tax Refunds, 97CSR3
 - d. Bureau for Child Support Enforcement
Interstate Income Withholding, 97CSR4
 - e. Bureau for Child Support Enforcement
Termination of Income Withholding, 97CSR11
 - f. West Virginia Consolidated Retirement Board
General Provisions, 162CSR1
 - g. West Virginia Consolidated Retirement Board
Consolidated Public Retirement Board Benefit Determination and Appeal, 162CSR2
 - h. West Virginia Consolidated Retirement Board
Teachers Defined Contribution System, 162CSR3
 - i. West Virginia Consolidated Retirement Board
Teachers Defined Benefit Plan, 162CSR4
 - j. West Virginia Consolidated Retirement Board
Public Employees Retirement System, 162CSR5

- k. **West Virginia Consolidated Retirement Board**
Refund, Reinstatement and Loan Interest Factors, 162CSR7
- l. **West Virginia Consolidated Retirement Board**
Service Credit for Accrued and Unused Sick and Annual Leave, 162CSR8
- m. **Insurance Commissioner**
Examiner's Compensation, Qualifications and Classification, 114CSR15
- n. **Insurance Commissioner**
Standards for Uniform Health Care Administration, 114CSR16
- o. **Insurance Commissioner**
Medicare Supplement Insurance, 114CSR24
- p. **Insurance Commissioner**
AIDS Regulation, 114CSR27
- q. **Insurance Commissioner**
Continuing Insurance Education, 114CSR42
- r. **Office of Air Quality**
To Prevent and Control Air Pollution from Combustion of Refuse, 45CSR6
- s. **Office of Air Quality**
Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 45CSR16
- t. **Office of Air Quality**
Requirements for Operating Permits, 45CSR30

3. **Other Business**

Sunday, November 12, 2000

4 p.m. to 6 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

House

Ross, Chairman
Anderson, Vice Chairman
Minard
Snyder
Unger
Minear

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

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

The minutes of the October 16, 2000, meeting were approved.

Debra Graham, Committee Counsel, explained that the rule proposed by the *Board of Barbers and Cosmetologists-Continuing Competence, 3CSR8*, had been moved to the foot of the agenda at the Committee's last meeting and that at the Committee's August 21, 2000, meeting a motion to modify the proposed rule by lowering the number of continuing education hours from sixteen hours every two years to eight hours every two years had been adopted.

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

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the *Bureau for Child Support Enforcement-Obtaining Support from Federal and State Income Tax Refunds, 97CSR3*.

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

Ms. Pauley explained the rule proposed by the *Bureau for Child Support Enforcement-Interstate Income Withholding, 97CSR4*.

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

Ms. Pauley reviewed her abstract on the rule proposed by the *Bureau for Child Support Enforcement-Termination of Income Withholding, 97CSR11*.

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

Ms. Graham explained the rule proposed by the *Consolidated Public Retirement Board-General Provisions, 162CSR1*, and stated that the Board has agreed to technical modifications. Betty Ireland, General Counsel to the Board, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Consolidated Public Retirement Board-Consolidated Public Retirement Board Benefit Determination and Appeal, 162CSR2*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Consolidated Public Retirement Board-Teachers Defined Contribution System, 162CSR3*, and stated that the Board has agreed to technical modifications.

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 *Consolidated Public Retirement Board-Teachers Defined Benefit Plan, 162CSR4*, and stated that the Board has agreed to technical modifications. Ms. Ireland responded to questions from the Committee.

Mr. Snyder moved to modify the proposed rule by deleting subdivision 6.3.1 as requested by the Board. The motion was adopted.

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

Ms. Graham explained the rule proposed by the *Consolidated Public Retirement Board-Public Employees Retirement System, 162CSR5*, and stated that the Board has agreed to technical modifications. Ms. Ireland responded to questions from the Committee.

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

Ms. Graham explained that the rule proposed by the *Tax Commissioner-Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4*, had been moved to the foot of the agenda at the Committee's last meeting. Beth Tomlinson, representing the West Virginia Home Builders Association, addressed the Committee and responded to questions.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Consolidated Public Retirement Board-Refund, Reinstatement and Loan Interest Factors, 162CSR7*, and stated that the Board has agreed to technical modifications.

Mr. Anderson moved that the proposed rule be laid over until the Committee's December meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the *Consolidated Public Retirement Board-Service Credit for Accrued and Unused Sick and Annual Leave, 162CSR8*, and stated the Board has agreed to technical modifications. Ms. Ireland responded to questions from the Committee.

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

Ms. Pauley reviewed her abstract on the rule proposed by the *Insurance Commissioner-Examiner's Compensation, Qualifications and Classification, 114CSR15*, stated that the Commissioner has agreed to technical modifications and responded to questions.

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

Ms. Pauley explained the rule proposed by the *Insurance Commissioner-Standards for Uniform Health Care Administration, 114CSR16*.

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

Ms. Pauley reviewed her abstract on the rule proposed by the *Insurance Commissioner-Medicare Supplement Insurance, 114CSR24*, stated that the Commissioner has agreed to technical modifications and responded to questions.

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

Ms. Pauley explained the rule proposed by the *Insurance Commissioner-AIDS Regulation, 114CSR7*, and stated that the Commissioner has agreed to technical modifications.

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

Ms. Pauley reviewed her abstract on the rule proposed by the *Insurance Commissioner-Continuing Insurance Education, 114CSR42*, and stated that the Commissioner has agreed to technical modifications.

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

The meeting was adjourned.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 12, 13 and 14, 2000

Sunday, November 12, 2000

4:00 - 6:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

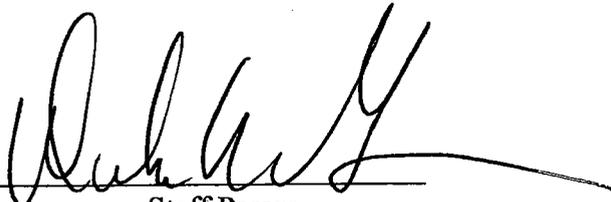
Senate

Ross, Chair	<input checked="" type="checkbox"/>
Anderson, Vice Chair	<input checked="" type="checkbox"/>
Minard	<input checked="" type="checkbox"/>
Snyder	<input checked="" type="checkbox"/>
Unger	<input checked="" type="checkbox"/>
Minear	<input checked="" type="checkbox"/>

House

Hunt, Chair	<input type="checkbox"/>
Linch, Vice Chair	<input type="checkbox"/>
Compton	<input checked="" type="checkbox"/>
Jenkins	<input checked="" type="checkbox"/>
Faircloth	<input checked="" type="checkbox"/>
Riggs	<input checked="" type="checkbox"/>

I certify that the attendance as noted above
is correct.



Staff Person

Terri Anderson

Sunday, November 12, 2000

4:00 - 6:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard ✓
Snyder ✓
Unger ✓
Miner ✓

House

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

Barbers & Cosmetologists

Minard
adopted

Approve as mod
No - Faircloth, Riggs

Bureau for Child Support - 4 Tax refunds

Snyder
Adopted

Rita explained
Approve

Bureau - Interstate

Minard
adopted

Rita explained
Approve

Bureau - Termination

Minard
adopted

Rita explained
Approved

CPRB - General

Minard
adopted

Betty Ireland responded to q's
Approve as mod

CPRB - Benefit Det

Approved as mod

CPRB - Teachers Defined Contrib

Anderson

Approve as mod

CPRB - Teachers Defined Benefit

Minard

Snyder
adopted

Betty Ireland responded to q's
Approve as mod

Mod - delete 6.3.1

CPRB - PERS

Farelath

Betty responded to q

Approve as mod

Adapted

Tax - Valuation

Snyder wants to lay over (motion)

Both Tomlinson responded to q's

CPRB - Refund

Anderson

Lay over.

OPeB - Service Credit

Beth responded to q's

Approve as mod

Mind

Adopted

Insurance (Kramer's Camp)

Rita explained. & responded to q's

Approve as mod

Anderson

Adopted

Ins C - Uniform Health

Rita explained

Approve

Mind

Adopted

Ins C - Medicare

Rita explained & responded to q's

Approve as mod

Adopted

Ins C - AIDS

Rita explained

Approve as mod

Farelly

Adopted

INS Gen. - Cont Ed

Rita explained

Approve as mod

Adopted

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, November 12, 2000
4 p.m. to 6 p.m.
Senate Finance Committee Room, M-451

1. Approval of Minutes - October 16, 2000.

2. Review of Legislative Rules:

Approved as modified

Board of Barbers and Cosmetologists
Continuing Competence, 3CSR8

Foot of agenda

b. Tax Commissioner
Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4

Approved

Bureau for Child Support Enforcement
Obtaining Support from Federal and State Income Tax Refunds, 97CSR3

Approved

Bureau for Child Support Enforcement
Interstate Income Withholding, 97CSR4

Approved

Bureau for Child Support Enforcement
Termination of Income Withholding, 97CSR11

Approved as modified

f. West Virginia Consolidated Retirement Board
General Provisions, 162CSR1

Approved as modified

West Virginia Consolidated Retirement Board
Consolidated Public Retirement Board Benefit Determination and Appeal, 162CSR2

Approved as modified

West Virginia Consolidated Retirement Board
Teachers Defined Contribution System, 162CSR3

Approved as modified

i. West Virginia Consolidated Retirement Board
Teachers Defined Benefit Plan, 162CSR4

Approved as modified

West Virginia Consolidated Retirement Board
Public Employees Retirement System, 162CSR5

id ✓
wer ✓
West Virginia Consolidated Retirement Board
Refund, Reinstatement and Loan Interest Factors, 162CSR7

Approved ✓
as mod ✓
West Virginia Consolidated Retirement Board
Service Credit for Accrued and Unused Sick and Annual Leave,
162CSR8

Approved ✓
as mod ✓
Insurance Commissioner
Examiner's Compensation, Qualifications and Classification,
114CSR15

Approved ✓
Insurance Commissioner
Standards for Uniform Health Care Administration, 114CSR16

Approved ✓
as mod ✓
Insurance Commissioner
Medicare Supplement Insurance, 114CSR24

Approved ✓
as mod ✓
Insurance Commissioner
AIDS Regulation, 114CSR27

Approved ✓
as mod ✓
Insurance Commissioner
Continuing Insurance Education, 114CSR42

r. Office of Air Quality
To Prevent and Control Air Pollution from Combustion of
Refuse, 45CSR6

s. Office of Air Quality
Standards of Performance for New Stationary Sources Pursuant
to 40 CFR Part 60, 45CSR16

t. Office of Air Quality
Requirements for Operating Permits, 45CSR30

3. Other Business

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, November 13, 2000
1 p.m. to 2 p.m.
Senate Judiciary Committee Room, W-208

1. **Review of Legislative Rules:**
 - a. **Office of Air Quality**
To Prevent and Control Air Pollution from Combustion of Refuse, 45CSR6
 - b. **Office of Air Quality**
Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 45CSR16
 - c. **Office of Air Quality**
Requirements for Operating Permits, 45CSR30
2. **Other Business**

Monday, November 13, 2000

1 p.m. to 2 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

House

Ross, Chairman

Hunt, Chairman

Absent

Anderson, Vice Chairman

Linch, Vice Chairman

Absent

Minard Absent

Compton

Snyder Absent

Jenkins

Unger

Faircloth

Minear

Riggs

Absent

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

Joseph Altizer, Associate Counsel, explained the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from Combustion of Refuse, 45CSR6*.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 56CSR16*.

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

Mr. Altizer explained the rule proposed by the *Office of Air Quality-Requirements for Operating Permits, 45CSR30*.

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

Rita Pauley, Associate Counsel, distributed and reviewed the bill she had drafted concerning the *Board of Barbers and Cosmetologists*.

Mr. Faircloth moved that the bill be introduced in each House with the members of the Committee as sponsors. The motion was adopted.

Mr. Altizer explained to the Committee that the Co-chairmen of the Legislative Rule-Making Review Committee and the Chairmen of the House and Senate Committee on the Judiciary had

drafted a bill relating generally to the designation of certain legislative rules as procedural rules and had requested that the Governor add the bill to his amended call for the Special Legislative Session on Tuesday, November 12, 2000.

The meeting was adjourned.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 12, 13 and 14, 2000

Monday, November 13, 2000

1:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

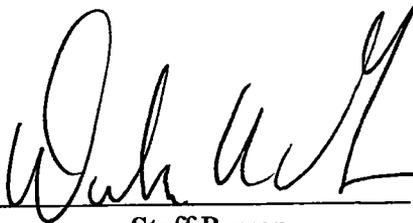
Senate

Ross, Chair	<input checked="" type="checkbox"/>
Anderson, Vice Chair	<input checked="" type="checkbox"/>
Minard	<input type="checkbox"/>
Snyder	<input type="checkbox"/>
Unger	<input checked="" type="checkbox"/>
Minear	<input checked="" type="checkbox"/>

House

Hunt, Chair	<input type="checkbox"/>
Linch, Vice Chair	<input type="checkbox"/>
Compton	<input checked="" type="checkbox"/>
Jenkins	<input checked="" type="checkbox"/>
Faircloth	<input checked="" type="checkbox"/>
Riggs	<input type="checkbox"/>

I certify that the attendance as noted above
is correct.



Staff Person

Terri Anderson

Monday, November 13, 2000

1:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard _____
Snyder _____
Unger ✓
Miner ✓

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

Ross called meeting to order

OAQ - Refuse

Anderson
Adopted

Lay over til next meeting

OAQ - New Stationary

Joe explained

Approve

adopted

OAQ - Operating Permits

Joe explained

Approve

Unger
adopted

Faircloth → Barbers & Cosmetologists

Rita explained

Faircloth - introduce in both houses.

→ Joe Altizer →
Special Session

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Senate / House Bill No.

(By)

[Introduced , 2001.];

referred to the Committee on .]

A BILL to amend and reenact section four, article twenty-seven, chapter thirty, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to renewal of license of barbers; providing that continuing education is not a requirement for renewal of a barber license

Be it enacted by the Legislature of West Virginia:

That section four, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-4. Renewal of license; fee; penalty for late renewal; withdrawal from active practice.

(a) ~~Every~~ Any licensed barber, beautician or manicurist who

1 desires to continue in active practice or service shall, annually
2 upon or before the first day of January, renew his or her license
3 and pay an annual renewal fee of twenty-five dollars. For any
4 renewal which is more than thirty days late, a penalty of five
5 dollars shall be added to the regular renewal fee, and an
6 additional five dollar penalty for each successive thirty-day
7 period said renewal fee is late, not to exceed a total renewal fee
8 of two hundred five dollars.

9 (b) Any license not renewed for three successive years shall
10 ~~be deemed becomes inactive, and shall not be~~ The holder of an
11 inactive license is not liable for additional renewal fees, ~~but may~~
12 ~~be reactivated by written request to the board and payment of any~~
13 ~~accrued unpaid renewal fees, not to exceed a total renewal fee of~~
14 ~~two hundred five dollars.~~

15 (c) ~~Every~~ Any licensed barber, beautician or manicurist who
16 ~~does not desire to continue in active practice~~ chooses to become
17 inactive shall notify the board in writing that he or she has
18 become inactive, and shall, ~~during such period, be listed by the as~~
19 ~~being inactive, and shall not be required to renew his or her~~
20 ~~license until such time as he or she shall again become active, and~~
21 ~~during such inactive period he or she shall not be liable for any~~
22 ~~renewal fees.~~ The board shall list a licensee as inactive upon

1 receipt of a notice that the licensee has become inactive or if a
2 licensee fails to pay his or her license renewal fees for three
3 successive years. An inactive license may be reactivated by
4 written request of the licensee to the board and payment of any
5 accrued unpaid renewal fees, not to exceed a total renewal fee of
6 two hundred five dollars.

7 (d) Notwithstanding any provision of the law to the contrary,
8 a licensed barber is not required to obtain continuing education in
9 order to renew his or her license.

10 NOTE: The purpose of this bill is clarify that barbers are
11 not required to take continuing education classes.

12

13 Strike-through indicate language that would be stricken from
14 the present law, and underscoring indicates new language that would
15 be added.

16