

AUGUST

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Wednesday, August 8 , 2001
3 p.m. to 5 p.m.
Senate Finance Committee Room, M-451

1. Approval of Minutes - February 11, and February 13, 2001.
2. Review of Legislative Rules:
 - a. West Virginia Contractor Licensing Board
West Virginia Contractor Licensing Board-Complaints, 28CSR3
 - b. Real Estate Appraiser Board
Renewal of Licensure or Certification, 190CSR3
 - c. Real Estate Appraiser Board
Requirements for Licensure and Certification, 190CSR2
 - d. Division of Health
Design Standards for Swimming Pools, 64CSR25
 - e. Division of Health
Birth Score Program, 64CSR83
 - f. Division of Motor Vehicles
Motor Vehicle Inspection Manual, 91CSR12
 - g. Office of the State Auditor
Transaction Fee and Rate Structure, 155CSR4
 - h. West Virginia Consolidated Public Retirement Board
Benefit Determination and Appeal, 162CSR2
 - i. Radiologic Technology Board of Examiners
Rule of the West Virginia Radiologic Technology Board of Examiners, 18CSR1
 - j. Department of Agriculture
Schedule of Charges for Inspection Services: Fruit, 61CSR8B
 - k. Department of Agriculture
Controlled Atmosphere Storage of Apples, 61CSR8E

- l. Department of Agriculture
Animal Disease Control, 61CSR1
- m. Department of Agriculture
State Aid for Fairs and Festivals, 61CSR3
- n. Division of Natural Resources
Rules Governing Small Arms Hunting, 58CSR14
- o. Division of Natural Resources
Special Boating Rule, 58CSR26
- p. Division of Natural Resource
Prohibitions When Hunting and Trapping, 58CSR47
- q. Division of Natural Resources
Wild Boar Hunting Rule, 58CSR52
- r. Division of Natural Resources
General Trapping Rule, 58CSR53
- s. Division of Natural Resources
Issuance of Hunting, Trapping and Fishing Licenses by Telephone and Other Electronic Methods, 58CSR68
- t. Division of Natural Resources
Rules Governing Public Use of West Virginia State Parks, State Forests and Wildlife Management Areas Under the Division of Natural Resources, 58CSR31
- u. Division of Natural Resources
Commercial Whitewater Outfitters, 58CSR12

3. Other Business

SPECIAL MEETING

Wednesday, August 8, 2001

3 p.m. to 5 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		Mahan, Chairman	
Anderson, Vice Chairman	Absent	Wills, Vice Chairman	Absent
Minard	Absent	Cann	
Snyder		Kominar	Absent
Boley		Faircloth	
Minear		Riggs	

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

The minutes of the February 11 and 13, 2001, meetings were approved.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the *West Virginia Contractor Licensing Board-West Virginia Contractor Licensing Board-Complaints, 28CSR3*, and stated that the Board has agreed to technical modifications. She and Andrew Brown, Assistant to the Commissioner of Labor, responded to questions from the Committee.

Mr. Riggs moved to modify Section 6 by adding the language from the Code that would allow the petitioner to file appeals in the county in which he or she resides or does business. The motion was adopted.

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

Ms. Graham explained the rule proposed by the *Real Estate Appraisal Board-Renewal Of Licensure or Certification, 190CSR3*,

stated that the Board has agreed to technical modifications and responded to questions.

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 *Real Estate Appraiser Board-Requirements for Licensure and Certification, 190CSR2*, and stated that the Board has agreed to technical modifications. She and Sharron Knotts, Executive Director of the Board, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *Division of Health-Design Standards for Swimming Pools, 64CSR25*.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Health-Birth Score Program, 64CSR83*, and stated that the Division 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 *Division of Motor Vehicles-Motor Vehicle Inspection Manual, 91CSR12*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Office of the State Auditor-Transaction Fee and Rate Structure, 155CSR4*, and responded to questions.

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

Ms. Graham explained the rule proposed by the *West Virginia Consolidated Public Retirement Board-Benefit Determination and Appeal, 162CSR2*.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Radiologic Technology Board of Examiners-Rule of the West Virginia Radiologic Technology Board of Examiners, 18CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Department of Agriculture-Schedule of Charges for Inspection Services: Fruit, 61CSR8B*, and stated that the Department has agreed to technical modifications. She and Steve Hannah, Deputy Commissioner of Agriculture, 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 *Department of Agriculture-Controlled Atmosphere Storage of Apples, 61CSR8E*, and stated that the Department has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Department of Agriculture-Animal Disease Control, 61CSR1*, and stated that the Department has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Department of Agriculture-State Aid for Fairs and Festivals, 61CSR3*, and stated that the Department has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Division of Natural Resources-Rules Governing Small Arms Hunting, 58CSR14*, and stated that the Division has agreed to technical modifications. She and Lt. Col. Bill Daniel, Deputy Chief of Law Enforcement for the Division, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Natural Resources-Special Boating Rule, 58CSR26*, and stated that the Division 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 *Division of Natural Resource-Prohibitions When Hunting and Trapping, 58CSR47*.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Natural Resource-Wild Boar Hunting Rule, 58CSR52*, and stated that the Division has agreed to technical modification. She and Gordon Robertson, Deputy Chief of Wildlife Resources for the Division, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *Division of Natural Resources-General Trapping Rule, 58CSR53*, and stated that the Division has agreed to technical modification. Mr. Robertson responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Natural Resources-Issuance of Hunting, Trapping and Fishing Licenses by Telephone and Other Electronic Methods, 58CSR68*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Division of Natural Resources-Rules Governing Public Use of West Virginia State Parks, State Forests and Wildlife Management Areas Under the Division of Natural Resources, 58CSR31*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Natural Resources-Commercial Whitewater Outfitters, 58CSR12*, and stated that the Division has agreed to technical modifications. Lt. Col. Daniel responded to questions from the Committee.

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

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 8/8/01

TIME: 3:00-5:00 PM.

NAME

Present Absent Yeas Nays

HOUSE

Kiss, Robert, Speaker	_____	_____	_____	_____
Mahan, Virginia, Co-Chair	✓	_____	_____	_____
Wills, Mark, Vice-Chair	_____	_____	_____	_____
Cann, Samuel	✓	_____	_____	_____
Kominar, Steven	_____	_____	_____	_____
Faircloth, Larry V.	✓	_____	_____	_____
Riggs, Dale	✓	_____	_____	_____

SENATE

Tomblin, Earl Ray, President	_____	_____	_____	_____
Ross, Michael, Co-Chair	✓	_____	_____	_____
Anderson, Leonard, Vice-Chair	_____	_____	_____	_____
Minard, Joseph	✓	_____	_____	_____
Snyder, Herb	_____	_____	_____	_____
Boley, Donna	✓	_____	_____	_____
Minear, Sarah	✓	_____	_____	_____

TOTAL

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review

Date 8-8-01

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Gordon Robertson	Charleston	Wildlife Resources, DNR	
Sharon Krotts	Charleston	WV Real Estate Appraisers	
Andy Braum	Charleston	Div of Labor	
Bill Daniel	Charleston	Div of Natural Resources	
Susan Saxe	"	WV Consolidated Pub. Ret. Bd	
Grady Bowyer	"	WV RT Board of Examiners	
STEVE HANNAH	"	W.V. Dept of Agr.	
Lew Thomas	"	W.V. " " "	
Paul Mollahan	"	State Auditor	
Doug Baker	"	WV DNR	

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2. Review of Legislative Rules:

*Approved ✓
as modified*

West Virginia Contractor Licensing Board
West Virginia Contractor Licensing Board-Complaints, 28CSR3

*Approved ✓
as modified*

Real Estate Appraiser Board
Renewal of Licensure or Certification, 190CSR3

*Approved ✓
as modified*

Real Estate Appraiser Board
Requirements for Licensure and Certification, 190CSR2

Approved ✓

Division of Health
Design Standards for Swimming Pools, 64CSR25

*Approved ✓
as mod.*

Division of Health
Birth Score Program, 64CSR83

*Approved ✓
as modified*

Division of Motor Vehicles
Motor Vehicle Inspection Manual, 91CSR12

*haid ✓
over*

Office of the State Auditor
Transaction Fee and Rate Structure, 155CSR4

Approved ✓

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

*Approved ✓
as mod*

Radiologic Technology Board of Examiners
Rule of the West Virginia Radiologic Technology Board of Examiners, 18CSR1

*Approved ✓
as md*

Department of Agriculture
Schedule of Charges for Inspection Services: Fruit, 61CSR8B

*Approved ✓
as mod*

Department of Agriculture
Controlled Atmosphere Storage of Apples, 61CSR8E

- l. Department of Agriculture
Animal Disease Control, 61CSR1
- m. Department of Agriculture
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- u. Division of Natural Resources
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3. Other Business

August 8, 2001

LRMRC

Contractors Licensing Board

Andy responded to q's

Boley ^{adopted} Approve as mod

Riggs ^{adopted} Modify §6 → appeals in other circuit etc

RE Appraiser - Renewal

Minard ^{adopted} As mod.

RE Appraiser - Licensure

Sharon Kraltz

Mahan ^{adopted} As mod

Health - Swimming

Minard ^{adopted} Approve

Health - Birth Screen

Minard ^{adopted} As mod

DMV - Motor Vehicle Inspection Manual

Mahan ^{adopted} Approve as mod

Auditor

^{adopted} Minard - lay over

CPAB - Benefit

Mahan ^{adopted} approve

Bad Tech

Approx as mad

Nathan

adops

Agriculture - Fruit

Steve Hannah responded to q's

Minard

As mad

Apple

Agriculture - Apples

As mad

Nathan

Agriculture - Animal Disease

As mad

Nathan

adops

Agriculture - State A.D.

As mad

Minard

DNR - Small Arms

Lt Col Gill Daniels responded to questions

Boley

DNR - Special Boating

As mad

Minard

DNR - Hunting

Approved

Nathan

DNR - Boat

Gordon Robertson

Minard

DNR - Geo. Trapping

Gordon responded to questions

Mahan
adopted

As mod

DNR - Issuance of license - electronic

Mahan

Approved as mod.

DNR - State Parks

Mahan

As mod

adopted

DNR - Whitewater

Bill Daniels responded to questions

Mahan

Approved as mod.

adopted