

**NOVEMBER 17**

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
Sunday, November 17, 2002  
6 p.m. to 8 p.m.  
Senate Finance Committee Room, M-451

1. Approval of Minutes - October 21 and 22, 2002
2. Review of Legislative Rules:
  - a. Tax Commissioner  
*Payment of Taxes by Electronic Funds Transfer, 110CSR10F*
  - b. West Virginia Contractor Licensing Board  
*West Virginia Contractor Licensing Act, 28CSR2*
  - c. Board of Funeral Service Examiners  
*General Provisions, 6CSR1*
  - d. Board of Funeral Service Examiners  
*Crematory Requirements, 6CSR2*
  - e. Insurance Commissioner  
*Group Accident and Sickness Insurance Minimum Policy Coverage Schedule, 114CSR39*
  - f. Insurance Commissioner  
*Unfair Trade Practices, 114CSR14*
  - g. Insurance Commissioner  
*Credit Personal Property Insurance, 114CSR61*
  - h. West Virginia Nursing Home Administrators Licensing Board  
*Nursing Home Administrators, 21CSR1*
  - i. West Virginia Board of Optometry  
*Licensure by Endorsement, 14CSR8*
  - j. Board of Examiners of Radiologic Technology  
*Rule of the West Virginia Board of Examiners or Radiologic Technology, 18CSR1*
  - k. West Virginia State Police  
*West Virginia State Police Career Progression System, 81CSR3*

- l. **Health Care Authority**  
*Benchmarking and Discount Contract Rule, 65CSR26*
  - m. **Division of Health**  
*Medical Examiner Rule for Postmortem Inquiries, 64CSR84*
  - n. **Health and Human Resources**  
*Nurse Aide Abuse Registry, 69CSR6*
  - o. **Massage Therapy Licensure Board**  
*General Provisions, 194CSR1*
3. **Other Business**
- a. **Division of Personnel**  
*Administrative Rule of the West Virginia Division of Personnel, 143CSR1*
  - b. **Emergency Rule**  
**Division of Natural Resources**  
*Commercial Sale of Wildlife, 58CSR63*

Sunday, November 17, 2002

6 p.m. to 8 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  
Boley  
Minear

Mahan, Chairman  
Wills, Vice Chairman  
Cann  
Kominar  
Faircloth Absent  
Riggs Absent

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

The minutes of the October 21 and 22, 2002, meetings were approved.

Debra Graham, Committee Counsel, explained that the rule proposed by the *Tax Commissioner-Payment of Taxes by Electronic Funds Transfer, 110CSR10F*, was moved to the foot of the agenda at the Committee's October 21, meeting.

T.J. Brachna, Assistant Tax Commissioner, addressed the Committee and responded to questions.

Mr. Anderson moved that subsection 3.2 of the proposed rule be modified by changing the threshold from \$50,000 to \$100,000 and that the threshold remain the same in subsequent years. The motion was adopted.

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

Ms. Graham explained that the rule proposed by the *Contractor Licensing Board-West Virginia Contractor Licensing Act, 28CSR2*, was laid over from the Committee's October 21 meeting. She and Andy

Brown, assistant to the Commissioner, responded to questions from the Committee.

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

Ms. Mahan moved that the rules proposed by the *Board of Funeral Service Examiners-General Provision, 6CSR1* and *Crematory Requirements, 6CSR2*, be moved to the foot of the agenda. The motion was adopted.

Connie Bowling, Associate Counsel, explained that the rule proposed by the *Insurance Commissioner-Group Accident and Sickness Insurance Minimum Policy Coverage Schedule, 114CSR39*, had been removed from the October 22 agenda.

Randy Cox, representing the Health Insurance Association of America asked that the rule be laid over until the Committee's November 19 meeting.

Jane Cline, Insurance Commissioner, responded to questions from the Committee.

Mr. Minard moved that the proposed rule be laid over until the Committee's November 19 meeting. The motion was adopted.

Ms. Bowling reviewed her abstract on the rule proposed by the *Insurance Commissioner-Unfair Trade Practices, 114CSR14*.

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

Ms. Bowling explained the rule proposed by the *Insurance Commissioner-Credit Personal Property Insurance, 114CSR61*.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Nursing Home Administrators Licensing Board-Nursing Home Administrators, 21CSR1*, and stated that the Board has agreed to technical modifications.

Alberta Slack, Director of the Board, and Steve Dragisich, Assistant Attorney General and attorney for the Board, addressed the Committee and responded to questions.

Ms. Boley 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 *Board of Optometry-Licensure by Endorsement, 14CSR8*, 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 reviewed her abstract on the rule proposed by the *Board of Examiners of Radiologic Technology-Rule of the West Virginia Board of Examiners of Radiologic Technology, 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 *West Virginia State Police-West Virginia State Police Career Progression System, 81CSR3*, and stated that the State Police have 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 *Health Care Authority-Benchmarking and Discount Contract Rule, 65CSR26*, and stated that the Authority has agreed to technical modifications. Marianne Kapinos, General Counsel for the Authority, responded to questions from the Committee.

Ms. Minear moved that Section 28 of the proposed rule be modified by changing the copying charge to "up to 50 cents per page" and the handling charge to \$10. The motion was adopted.

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

Ms. Graham explained the rule proposed by the *Division of Health-Medical Examiner Rule for Postmortem Inquiries, 64CSR84*, and stated that the Division has agreed to technical modifications.

Dr. James Kaplan, from the Office of the Chief Medical Examiner, responded to questions and explained modifications proposed by the Division.

Mr. Minard moved that the Division's proposed modifications be approved. The motion was adopted.

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 *Department of Health and Human Resources-Nurse Aide Abuse Registry, 69CSR6*, and stated that the Department has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Massage Therapy Licensure Board-General Provision, 194CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the emergency rule filed by the *Division of Natural Resources-Commercial Sale of Wildlife, 58CSR63*. Paul Johansen addressed the Committee and responded to questions.

The following people addressed the Committee on behalf of the cervid industry:

Dr. Ron Grandia  
Tami Grandia  
Ron Myers  
John White  
Delegate Williams  
Bob Williams  
Dan Marsh

Ms. Boley directed staff to invite representatives from the Secretary of State's office to address the Committee at the November 19 meeting.

Having voted on the prevailing side, Ms. Mahan asked unanimous consent to reconsider the Committee's action whereby it approved as modified the rule proposed by the *Division of Personnel-Administrative Rule of the West Virginia Division of Personnel, 143CSRI*, at its October 22 meeting. There being no objection, the rule was back before the Committee.

Ms. Mahan moved that the proposed rule be laid over until the Committee's November 19 meeting. The motion was adopted.

The meeting was adjourned.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Sunday, November 17, 2002**  
**6 p.m. to 8 p.m.**  
**Senate Finance Committee Room, M-451**

1. Approval of Minutes - October 21 and 22, 2002
2. Review of Legislative Rules:

*Approved as modified*  Tax Commissioner

Payment of Taxes by Electronic Funds Transfer, 110CSR10F

- Moved to foot of agenda October 21, 2002
- Lay over from September 15, 2002
- Technical Modifications

*Approve as modified*  West Virginia Contractor Licensing Board

West Virginia Contractor Licensing Act, 28CSR2

- Lay over from October 21, 2002
- Technical Modifications

*STB*  
*Foot of agenda*  
*held over till December*  
c. Board of Funeral Service Examiners *move to Dec*  
General Provisions, 6CSR1

- Removed from agenda October 22, 2002
- Technical Modifications

*STB*  
*Foot of agenda*  
*held over till December*  
d. Board of Funeral Service Examiners *Move to Dec*  
Crematory Requirements, 6CSR2

- Removed from agenda October 22, 2002
- Technical Modifications

*lay over till Tuesday*  
e. Insurance Commissioner *took up 11/19*  
Group Accident and Sickness Insurance Minimum Policy Coverage  
Schedule, 114CSR39

- Removed from agenda October 22, 2002
- Technical Modifications

Approved ✓

Insurance Commissioner took up 11/19  
Unfair Trade Practices, 114CSR14

- NO Technical Modifications

Laid over  
til Dec

Insurance Commissioner *move to Dec*  
Credit Personal Property Insurance, 114CSR61

- NO Technical Modifications

Laid over  
til Dec

West Virginia Nursing Home Administrators Licensing Board *Dec*  
Nursing Home Administrators, 21CSR1

- Technical Modifications

Approved ✓  
as mod. *Dec*

West Virginia Board of Optometry  
Licensure by Endorsement, 14CSR8

- Technical Modifications

Approved ✓  
as modified

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

- Technical Modifications

Approved ✓  
as modified

West Virginia State Police  
West Virginia State Police Career Progression System, 81CSR3

- Technical Modifications
- Agrees to Technical Modifications

Approved ✓  
as modified

Health Care Authority  
Benchmarking and Discount Contract Rule, 65CSR26

- Technical Modifications

Approved ✓  
as modified

Division of Health  
Medical Examiner Rule for Postmortem Inquiries, 64CSR84

- Technical Modifications

Approved ✓  
as modified

Health and Human Resources  
Nurse Aide Abuse Registry, 69CSR6

- Technical Modifications

Approved  
as

Massage Therapy Licensure Board  
General Provisions, 194CSR1

- Technical Modifications

3. Other Business

Reconsidered  
& laid over  
til Tues

a. Division of Personnel *took up 11/19*  
Administrative Rule of the West Virginia Division of  
Personnel, 143CSR1

b. Emergency Rule

Division of Natural Resources  
Commercial Sale of Wildlife, 58CSR63

Sunday, November 17, 2002

6:00 - 8:00 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

Boley

Minear

✓  
✓  
✓  
✓  
✓  
✓

House

Mahan, Chair

Wills, Vice Chair

Cann

Kominar

Fairecloth

Riggs

✓  
✓  
✓  
✓  
\_\_\_\_\_  
\_\_\_\_\_

minutes approved

Tax Commissioner Electronic Funds Transfer

Anderson  
Mahan  
adapted

T.J. Brahma, Asst TC, addressed the C  
Change threshold to \$100,000 (mod)  
Approve a spread

WV Contractors Licensing Bd

Mahan

F explained & responded to q's  
Andy Brown responded to q's  
Approve as mod

Mahan

move CED to bottom of agenda

Ins. Comm. - Group Acc

Chomic explained

Minard

Randy Cox, Health Ins Assn of America - wants  
laid over til Tues to allow issues to be worked  
out  
Jare Cline responded to q's  
Lay over until Tues

Insurance - Unfair Trade

Connie explained

Approve

Mahan  
adopted

Ins C - Credit Rev Prop

Connie explained

Lay over til Dec

Mahan  
adopted

Nursing Home Administrators

I explained

Aberta Slack & Steve Dragovich

Lay over until December

Boley

Bd of Optometry - Lic.

Approve as mod

Mahan

Radiologic Tech

As mod

Mahan

HCA - Benchmarking

Mary Anne Karpas, HCA responded to questions

Approve as mod

Wills

Up to \$.50 & \$10.00

Wills  
adopted

Dir of Health

Dr. Karpas, Office of Chief Med Exam  
responded to q's

Minord Mod requested by Div.

DNR - Commercial Sale

Paul Johansen addressed the C & responded to questions

Research

Maher ~~Researcher~~ <sup>adopted</sup>  
Maher <sup>adopted</sup> Lay over til Tues

Dr. Ron Brandee, <sup>Grades</sup> Exec Dir WU Deer Farms AS

**NOVEMBER INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**November 17, 18 and 19, 2002**

**Sunday, November 17, 2002**

6:00 - 8:00 p.m.

**Legislative Rule-Making Review Committee**

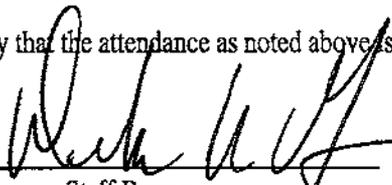
Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

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

<u>House</u>	
Mahan, Chair	<input checked="" type="checkbox"/>
Wills, Vice Chair	<input checked="" type="checkbox"/>
Cann	<input checked="" type="checkbox"/>
Kominar	<input checked="" type="checkbox"/>
Fairecloth	<input type="checkbox"/>
Riggs	<input type="checkbox"/>

I certify that the attendance as noted above is correct.

  
\_\_\_\_\_  
Staff Person

Rule-Making Review Committee  
Terri Anderson



**§64-84-24. Fee Paid to CoME, ACoME and CC by the OCME for Performance of Duties Described By This Rule.**

24.1. Pursuant to §61-12-7(b) and -8), and this rule, the OCME shall pay a reasonable fee, established by the Commissioner, to the County Medical Examiner, Assistant County Medical Examiner and County Coroner for performance of all duties described by this rule. The fee shall include compensation for all expenses directly incurred in the performance of duties mandated by this rule.

**§64-84-25. Fees for OCME Facility Use.**

25.1. The Commissioner shall charge a reasonable fee not to exceed seven hundred fifty dollars (\$750) an hour to non-government entities who use the OCME facility, at the discretion of the Chief Medical Examiner, to cover:

25.1.a. The cost to use the facility; and

25.1.b. The regular rate of pay for the staff supervisor required to be present while the facility is in use, or the overtime rate of pay for the staff supervisor required to be present if the facility is in use after the OCME's usual business hours.

25.2. Fees payable under this rule shall be deposited in accordance with W. Va. Code §16-1-11.

**§64-84-26. Charging Certain Fees for Providing Testimony or Production of Opinion.**

26.1. Under authority of W. Va. Code §16-1-11 and this rule, the Commissioner shall charge reasonable fees for provision of testimony or any production of opinion provided by an OCME employee, arising from his or her professional OCME related activities, for:

26.1.a. Any civil request for providing testimony or any production of opinion, when the State of West Virginia or any public entity organized under the authority of the State of West Virginia, is not the plaintiff or defendant; or

26.1.b. Any request for providing testimony or any production of opinion for a criminal proceeding arising outside the State of West Virginia.

26.2. The fees charged under Subsection 25.1 of this rule shall be according to a reasonable fee schedule, established by the Commissioner, to be published annually in the State Register.

26.3. The fees charged shall be for any employee of the OCME for time spent in case preparation and for presentation of testimony or any production of opinion, including time spent in travel and in waiting to provide these services.



26.4. Fees payable under this rule shall be deposited in accordance with W. Va. Code § 16-1-11.



**NOVEMBER** 19

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, November 19, 2002**  
**2 p.m. to 4 p.m.**  
**House Government Organization Room, 213-E**

1. **Review of Legislative Rules:**
  - a. **Insurance Commissioner**  
*Group Accident and Sickness Insurance Minimum Policy Coverage Schedule, 114CSR39*
  - b. **Division of Personnel**  
*Administrative Rule of the West Virginia Division of Personnel, 143CSR1*
  - c. **Division of Culture and History**  
*Cultural Facilities and Capital Resources Grant Program, 82CSR7*
  - d. **Division of Forestry**  
*Sediment Control During Commercial Timber-Harvesting Operations - Licensing, 22CSR2*
  - e. **Division of Forestry**  
*Sediment Control During Commercial Timber-Harvesting Operations - Logger Certification, 22CSR3*
  - f. **Real Estate Commission**  
*Requirements in Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business, 174CSR1*
  - g. **Real Estate Commission**  
*Schedule of Fees, 174CSR2*
  - h. **Real Estate Commission**  
*Requirements in Approval and Registration of Real Estate Courses, Course Providers and Instructors, 174CSR3*
  - i. **Division of Highways**  
*Traffic and Safety Rule, 157CSR5*

- j. **Division of Highways**  
*Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*
  - k. **Department of Administration**  
*Parking, 148CSR6*
  - l. **Department of Administration**  
*General Administration of Records Management and Preservation, 148CSR12*
  - m. **Department of Administration**  
*Records Retention and Disposal Scheduling, 148CSR13*
  - n. **Department of Administration**  
*Management of Records Maintained by Records Center, 148CSR14*
  - o. **DEP-Division of Waste Management**  
*Standards for Beneficial Use of Materials Similar to Sewage Sludge, 33CSR8*
  - p. **DEP-Division of Waste Management**  
*Hazardous Waste Management, 33CSR20*
2. **Other Business**
- a. **Secretary of State**

Tuesday, November 19, 2002

2 p.m. to 4 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  
Boley  
Minear

Mahan, Chairman  
Wills, Vice Chairman  
Cann  
Kominar  
Faircloth  
Riggs  
Absent

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

Having voted on the prevailing side, Ms. Mahan asked unanimous consent to reconsider the Committee's action whereby it approved the rule proposed by the *Insurance Commissioner-Unfair Trade Practices, 114CSR14*, at its November 17 meeting. There being no objection, the rule was back before the Committee.

Connie Bowling, Associate Counsel, explained that the Agency has requested to modify the proposed rule.

Jill Spilman, representing CCC Information Services, explained the proposed revisions to Section 7 of the proposed rule.

Mary Jane Pickens, Attorney with the Insurance Commissioner, and Jane Cline, Insurance Commissioner, addressed the Committee and responded to questions.

Ms. Mahan moved that the Insurance Commissioner's proposed modifications be approved. The motion was adopted.

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

Ms. Bowling explained that the rule proposed by the *Insurance Commissioner-Group Accident and Sickness Insurance Minimum Policy Coverage Schedule, 114CSR39*, had been laid over at the Committee's November 17 meeting. Ms. Cline explained the modifications proposed by the Commissioner.

Randy Cox, lobbyist for the Insurance Industry, and Greg Elam, Counsel for the Insurance Commissioner, responded to questions from the Committee.

Ms. Mahan moved that the Insurance Commission's proposed modifications be approved. The motion was adopted.

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

Debra Graham, Committee Counsel, explained that the rule proposed by the *Division of Personnel-Administrative Rule of the West Virginia Division of Personnel, 143CSR1*, had been laid over at the Committee's November 17 meeting and explained modifications proposed by the Division.

Ms. Mahan moved that the Division's proposed modifications be approved. The motion was adopted.

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 Culture and History-Cultural Facilities and Capital Resources Grant Program, 82CSR7*, and stated that the Division has agreed to technical modifications.

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

Joseph Altizer, Associate Counsel, explained the rule proposed by the *Division of Forestry-Sediment Control During Commercial Timber-Harvesting Operations - Licensing, 22CSR2*, 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.

Mr. Altizer reviewed his abstract on the rule proposed by the *Division of Forestry-Sediment Control During Commercial Timber-Harvesting Operations - Logger Certification, 22CSR3*, and stated that the Division has agreed to technical modifications.

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

Daniel Kimble, Associate Counsel, explained the rule proposed by the *Real Estate Commission-Requirements in Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business, 174CSR1*. Richard Strader, Executive Director of the Commission, responded to questions from the Committee.

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

Mr. Kimble reviewed his abstract on the rule proposed by the *Real Estate Commission-Schedule of Fees, 174CSR2*. Mr. Strader responded to questions from the Committee.

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

Mr. Kimble explained the rule proposed by the *Real Estate Commission-Requirements in Approval and Registration of Real Estate Courses, Course Providers and Instructors, 174CSR3*, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling reviewed her abstract on the rule proposed by the *Division of Highways-Traffic and Safety Rule, 157CSR5*. She and Jeff Davis, from the Enforcement Division, responded to questions from the Committee.

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

Ms. Bowling explained the rule proposed by the *Division of Highways-Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*.

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

Ms. Bowling reviewed her abstract on the rule proposed by the *Department of Administration-Parking 148CSR6*, and stated that the Department has agreed to technical modifications. She, Dave Tincher, Director of the Purchasing Division, and Donna Prunty, Executive Coordinator, responded to questions from the Committee.

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

Mr. Kimble explained the rule proposed by the *Department of Administration-General Administration of Records Management and Preservation, 148CSR12*, and stated that the Department has agreed to technical modifications.

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

Mr. Kimble reviewed his abstract on the rule proposed by the *Department of Administration-Records Retention and Disposal Scheduling, 148CSR13*, and stated that the Department has agreed to technical modifications.

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

Mr. Kimble explained the rule proposed by the *Department of Administration-Management of Records Maintained by Records Center, 148CSR14*, 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.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the *DEP-Division of Waste Management-Standards for Beneficial Use of Materials Similar to Sewage Sludge, 33CSR8*, and stated that the Division has agreed to technical modifications. Mike Zeto, Enforcement Coordinator, responded to questions from the Committee.

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

Ms. Pauley explained the rule proposed by the *DEP-Division of Waste Management-Hazardous Waste Management, 33CSR20*, and stated that the Division has agreed to technical modifications.

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

Mr. Ross reminded the Committee that representatives from the Secretary of State's office had been invited to address the Committee regarding the emergency rule filed by the *Division of Natural Resources-Commercial Sale of Wildlife, 58CSR63*.

Judy Cooper, from the Administrative Law Division, Teri Helmick, Counsel with the Secretary of State's Office, and Secretary Manchin addressed the Committee and responded to questions.

Paul Johansen, from the Division of Natural Resources, addressed the Committee and responded to questions.

Les Shoemaker, Gordon Hayes and Noah Perry, all representing the cervid industry, addressed the Committee.

The meeting was adjourned.

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review

Date 11/19/02

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Mike Danny	1356 Hancock St	WV DEP	If requested
Mike Zeff	1356 Hancock St	WV DEP	.
Richard Strader	1033 Quarrier St.	Real Estate Comm.	If Requested
Jim	Director of Arts	<del>WV Division of Culture &amp; History</del>	
Rob Kessmeyer	698 Gordon Dr.	WV Div. Culture & History	If Asked
Rose McDonough	Arts Section	WV " " "	NO

**NOVEMBER INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**November 17, 18 and 19, 2002**

**Tuesday, November 19, 2002**

2:00 - 4:00 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  
Boley  
Minear

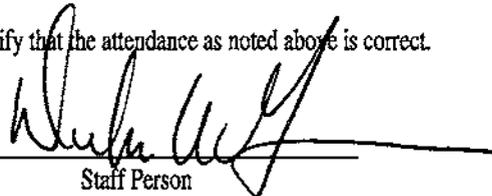
✓  
✓  
✓  
✓  
✓  
✓

House

Mahan, Chair  
Wills, Vice Chair  
Cann  
Kominar  
Faircloth  
Riggs

✓  
✓  
✓  
✓  
✓  
—

I certify that the attendance as noted above is correct.

  
\_\_\_\_\_  
Staff Person

Rule-Making Review Committee  
Terri Anderson

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, November 19, 2002**  
**2 p.m. to 4 p.m.**  
**House Government Organization Committee Room, 213-E**

1. Review of Legislative Rules:

Approved   
as modified Insurance Commissioner  
Group Accident and Sickness Insurance Minimum Policy Coverage  
Schedule, 114CSR39

- Removed from agenda October 22, 2002
- Technical Modifications

Approved   
as modified Division of Personnel  
Administrative Rule of the West Virginia Division of  
Personnel, 143CSR1

- Lay Over from November 17, 2002, meeting
- Reconsidered action November 17, 2002

Approved   
as modified Division of Culture and History  
Cultural Facilities and Capital Resources Grant Program,  
82CSR7

- Technical Modifications

Approved   
as modified Division of Forestry  
Sediment Control During Commercial Timber-Harvesting  
Operations - Licensing, 22CSR2

- Technical Modifications

Approved   
as modified Division of Forestry  
Sediment Control During Commercial Timber-Harvesting  
Operations - Logger Certification, 22CSR3

- Technical Modifications

**Real Estate Commission**

Requirements in Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business, 174CSR1

- NO Technical Modifications

**Real Estate Commission**

Schedule of Fees, 174CSR2

- NO Technical Modifications

**Real Estate Commission**

Requirements in Approval and Registration of Real Estate Courses, Course Providers and Instructors, 174CSR3

- Technical Modifications

**Division of Highways**

Traffic and Safety Rule, 157CSR5

- NO Technical Modifications

**Division of Highways**

Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7

- NO Technical Modifications

**Department of Administration Move to Dec.**

Parking, 148CSR6

- Technical Modifications

**Department of Administration**

General Administration of Records Management and Preservation, 148CSR12

- Technical Modifications

**Department of Administration**

Records Retention and Disposal Scheduling, 148CSR13

- Technical Modifications

Approved as modified

Department of Administration  
Management of Records Maintained by Records Center, 148CSR14

- Technical Modifications

Approved as modified

DEP-Division of Waste Management  
Standards for Beneficial Use of Materials Similar to Sewage Sludge, 33CSR8

- Technical modifications

Approved as modified

DEP-Division of Waste Management  
Hazardous Waste Management, 33CSR20

- Technical modifications

2. Other Business

ca. Secretary of State

Approved as modified

Reconsider action - approved as filed by the agency  
Insurance Commissioner  
Unfair Trade Practices, 114CSR14

Tuesday, November 19, 2002

2:00 - 4:00 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  
Boley  
Minear

✓  
✓  
✓  
✓  
✓  
✓

House

Mahan, Chair  
Wills, Vice Chair  
Cann  
Kominar  
Faircloth  
Riggs

✓  
✓  
✓  
✓  
✓  
—

Mahan - reconsider Ins - Unfair Trade Practices

Connie explained agency had some mods to request

Jill <sup>Spilman</sup> - addressed C - agreed upon revisions to §7

Mary Jane Pictors

Jane Cline - responded to questions

Mahan <sup>adopted</sup> approve mod

" " approve as mod

Ins. Commissioner - Group Accident

Connie explained posture of rule  
Jane Cline explained proposed mods  
~~Bardy Cox~~

Mahan

" <sup>adopted</sup> approve mods of Agency  
" " as mod

Personnel

Mahan <sup>adopted</sup> Approve mod

Mahan Approve as mod.

Div Culture & Hist

I explained

Biley

Approve as mod

adopted

Div of Forestry - Sediment Control - Licensing

Joe explained

Mahan

Approve as mod

adopted

Div. of Forestry - Sediment control - logger

Joe explained

Conn  
Richard

Approve as modified

adopted

Real Estate Commission - Licensing

Dan explained

Mahan

Richard Strader, exec dir responded to questions

Approve

adopted

Real Estate Commission - Fees

Dan explained

Mahan

Richard Strader responded to questions

Approve

adopted

Real Estate - RE Courses

Dan explained

Willis

Approve as mod

● Highways - Traffic & Safety

Connie explained

Jeff Davis - Enforcement Div responded to questions

Mahan  
adopted

Approve

Highways - Transp Haz Waste

Connie explained

Koninar

Approve

Dept of Admin - Parking

Connie explained

Dave Tineher, Dir of Park - responded to questions

Donna Purty

" " "

● Mahan

Lay over til Dec

Admin - Records Mgt Preserv

Dan explained

Mirard

Approve as mod

Admin - Records

Dan explained & responded to questions

Anderson

Approve as mod

Admin - Records Center

Dan  
Approve as mod

● Mahan

Waste Mgt - Benfield Use

Rita explained

Mike Zeta - responded to questions

Approve as modified

Mahan

Waste Mgt - Hazardous Waste

Rita explained

Approve as modified

Snyder

DNR Rule Deer

SAs

Judy Cooper

Teri Helmick

Paul Johnson

responded to questions

Joe Manchin

Carla Hayes

Les Schumaker