

**JANUARY 10**

Monday, January 10, 2005

12:00 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**

**House**

Ross, Chairman  
Minard, Vice Chairman  
Snyder  
Unger  
Boley  
Minear

Absent

Mahan, Chairman  
Thompson, Vice Chairman Absent  
Cann  
Kominar  
Armstead  
Faircloth Absent

The meeting was called to order by Mr. Minard, Vice Chairman.

The minutes of the December 5, 2004, meeting were approved.

Debra Graham, Chief Counsel, reviewed her abstract on the rule proposed by the **West Virginia Division of Public Health, Methods and Standards for Chemical Test for Intoxication, 64CSR10** and stated that the Division has agreed to technical modifications.

Steven R. Compton with the West Virginia State Police and Jeff Osborne, with the West Virginia State Police, responded to questions from the Committee.

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

Joe Altizer, Associate Counsel, explained his abstract on the rule proposed by the **Division of Air Quality, Emission Standards for Hazardous Air Pollutants pursuant to 40 CFR Part 61, 45CSR15** and responded to questions from the Committee.

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

Ms. Altizer reviewed his abstract of the rule proposed by the **Division of Air Quality, Standards of Performance for New Stationary Sources pursuant to 40 CFR Part 60, 45CSR16**.

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

Mr. Altizer, reviewed his abstract of the rule proposed by the **Division of Air Quality, To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities, 45CSR25.**

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

Mr. Altizer, explained his abstract on the rule proposed by the **Division of Air Quality, Emission Standards for Hazardous Air Pollutants for Source Categories Pursuant to 40 CFR Part 63, 45CSR34**

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

Brian Skinner, Associate Counsel, reviewed his abstract on the rule proposed by the **West Virginia Division of Personnel, Pre-Employment Reference and Inquires Rule, 143CSR4**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

Connie Bowling, Associate Counsel, reviewed her abstract on the rule proposed by the **Division of Highways, Department of Transportation, Use of State Road Rights of Way and Adjacent Areas, 157CSR6**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

William Light, Chief of West Virginia Outdoor Advertisement responded to questions from the Committee.

Sam Perkins, member of the Kanawha Valley Outdoor Advertisement and West Virginia Outdoor Advertisement responded to question from the Committee.

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

Ms. Mahan moved that the Committee reconsider its action by which the rule proposed by the **Department of Administration, Information Services and Communications (IC&S), Telecommunications Payments by Spending Units, 161CSR2** was approved at the December 5, 2004 meeting. The motion was adopted.

Mr. Skinner reviewed proposed modifications to the proposed rule.

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

Ms. Bowling reviewed her abstract on the rule proposed by the **Board of Risk and Insurance Management, Public Entitites Insurance Program, 115CSR2** 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. Bowling, explained her abstract on the rule proposed by the **Board of Risk and Insurance Management, Patient Injury Compensation Fund, 115CSR7** and responded to questions from the Committee.

Chuck Jones, Executive Director with the Board of Risk and Insurance Management responded to questions from the Committee.

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

Ms. Bowling, reviewed her abstract on the rule proposed by the **West Virginia State Police, WVSP Career Progression System, 81CSR3** and distributed a proposed amendment to the rule suggested by the West Virginia Troopers Association.

Mr. Kominar moved that the proposed rule be laid over until the next meeting with an amendment pending. The motion was adopted.

Ms. Bowling, explained her abstract on the rule proposed by the **West Virginia State Police, WVSP Grievance Procedure, 81CSR8** and stated that the Agency has agreed to technical modifications.

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

Ms. Bowling, reviewed her abstract on the rule proposed by the **West Virginia State Police, WVSP Professional Standards Investigations, Employee Rights, Early Identifications System, Psychological Assessment and Progressive Discipline, 81CSR10** and stated that the Agency 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 **West Virginia Division of Corrections, Parole**

**Supervision, 90CSR2** 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. Pauley, explained her abstract on the proposed rule by the **West Virginia Ethics Commission, Code of Conduct of Administrative Law Judges, 158CSR13**, stated that the Commission agreed to technical modifications and responded to questions.

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 **West Virginia Economic Development Authority, 117CSR5**, stated that the Agency agreed to technical modifications and responded to questions.

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

The meeting was adjourned.

**JANUARY INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**January 9, 10 and 11, 2005**

Monday, January 10, 2005

12:00 - 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 \_\_\_\_\_

Minard, Vice Chair

Snyder (*present*) \_\_\_\_\_

Unger

Boley

Minear

House

Mahan, Chair

Thompson, Richard, Vice Chair

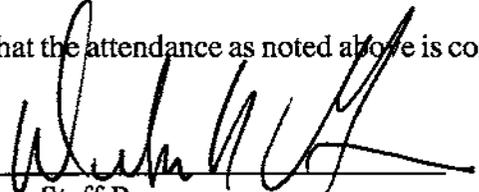
Cann \_\_\_\_\_

Kominar

Armstead

Faircloth \_\_\_\_\_

I certify that the attendance as noted above is correct.

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

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, January 10, 2005**  
**12:00 p.m. to 2:00 p.m.**  
**Senate Judiciary Committee Room**

1. **Approval of Minutes** - Meeting of December 5, 2004
2. **Review of Legislative Rules:**
  - a. **Health and Human Resources, Public Health**  
*Methods and Standards for Chemical Test for Intoxication*  
64CSR10
    - Layover
  - b. **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants Pursuant to  
40 CFR Part 61  
45CSR15
  - c. **Division of Air Quality**  
Standards of Performance for New Stationary Sources pursuant  
to 40 CFR part 60  
45CSR16
  - d. **Division of Air Quality**  
To Prevent and Control Air Pollution from Hazardous Waste  
Treatment, Storage, or Disposal Facilities  
45CSR25
  - e. **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants for Source  
Categories Pursuant to 40 CFR Part 63  
45CSR34
  - f. **West Virginia Division of Personnel**  
*Pre-Employment Reference and Inquires Rule*  
143CSR4
  - g. **Department of Transportation, Division of Highways**  
*Use of State Road Rights of Way and Adjacent Areas*  
157CSR6
  - h. **Department of Administration, Information Services and  
Communications (IS&C)**  
*Telecommunications Payments by Spending Units*  
161CSR2

- i. **Board of Risk and Insurance Management**  
*Public Entities Insurance Program*  
115CSR2
- j. **Board of Risk and Insurance Management**  
*Patient Injury Compensation Fund*  
115CSR7
- k. **West Virginia State Police**  
*WVSP Career Progression System*  
81CSR3
- l. **West Virginia State Police**  
*WVSP Grievance Procedure*  
81CSR8
- m. **West Virginia State Police**  
*WVSP Professional Standards Investigations, Employee Rights,  
Early Identifications System, Psychological Assessment and  
Progressive Discipline*  
81CSR10
- n. **West Virginia Division of Corrections**  
*Parole Supervision*  
90CSR2
- o. **West Virginia Ethics Commission**  
*Code of Conduct of Administrative Law Judges*  
158CSR13
- p. **West Virginia Economic Development Authority**  
*High-Growth Business Investment Tax Credit*  
117CSR5

3. **Other Business**

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, January 10, 2005**  
**12:00 p.m. to 2:00 p.m.**  
**Senate Judiciary Committee Room**

1. **Approval of Minutes** - Meeting of December 5, 2004
2. **Review of Legislative Rules:**
  - a. **Health and Human Resources, Public Health**  
*Methods and Standards for Chemical Test for Intoxication*  
64CSR10
    - **Layover**
    - **Approve as Modified**
  - b. **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants Pursuant to  
40 CFR Part 61  
45CSR15
    - **Approve**
  - c. **Division of Air Quality**  
Standards of Performance for New Stationary Sources pursuant  
to 40 CFR part 60  
45CSR16
    - **Approve**
  - d. **Division of Air Quality**  
To Prevent and Control Air Pollution from Hazardous Waste  
Treatment, Storage, or Disposal Facilities  
45CSR25
    - **Approve**
  - e. **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants for Source  
Categories Pursuant to 40 CFR Part 63  
45CSR34
    - **Approve**

- f. **West Virginia Division of Personnel**  
*Pre-Employment Reference and Inquires Rule*  
143CSR4
  - **Approve as Modified**
  
- g. **Department of Transportation, Division of Highways**  
*Use of State Road Rights of Way and Adjacent Areas*  
157CSR6
  - **Approve as Modified**
  
- h. **Department of Administration, Information Services and Communications (IS&C)**  
*Telecommunications Payments by Spending Units*  
161CSR2
  - **Approve as Modified**
  
- i. **Board of Risk and Insurance Management**  
*Public Entities Insurance Program*  
115CSR2
  - **Approve as Modified**
  
- j. **Board of Risk and Insurance Management**  
*Patient Injury Compensation Fund*  
115CSR7
  - **Approve as Modified**
  
- k. **West Virginia State Police**  
*WVSP Career Progression System*  
81CSR3
  - **Approve**
  
- l. **West Virginia State Police**  
*WVSP Grievance Procedure*  
81CSR8
  - **Approve as Modified**
  
- m. **West Virginia State Police**  
*WVSP Professional Standards Investigations, Employee Rights, Early Identifications System, Psychological Assessment and Progressive Discipline*  
81CSR10
  - **Approve as Modified**

n. **West Virginia Division of Corrections**  
*Parole Supervision*  
90CSR2

• **Approve as Modified**

o. **West Virginia Ethics Commission**  
*Code of Conduct of Administrative Law Judges*  
158CSR13

• **Approve as Modified**

p. **West Virginia Economic Development Authority**  
*High-Growth Business Investment Tax Credit*  
117CSR5

• **Approve as Modified**

3. **Other Business**

**JANUARY INTERIM ATTENDANCE**

**Legislative Interim Meetings**

**January 9, 10, and 11, 2005**

Monday, January 10, 2005

12:00 p.m. - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex  
officio nonvoting member

Robert "Bob" Kiss, ex  
officio nonvoting member

Senate

House

Ross, Chair   
Minard, Vice Chair   
Snyder - present   
Unger   
Boley   
Minear

Mahan, Chair   
Thompson, Rick, Vice Chair   
Cann   
Kominar   
Armstead   
Faircloth

Minutes approved

Health - Chemical Interactions

Steve Compton > responded to questions  
Jeff Osborne

Mahan  
adopted Approve as modified

DoA - Emission standards Hazardous Air Pollutants

Joe explained & responded to C's

Mahan  
adopted Approve

DoA - New Stationary

Joe explained

Mahan  
adopted Approve

Mahan  
adopted

DOA - Permit & Control

Joe explained

Approve

Mahan  
adopted

DOA - Emission State

Joe explained

Approve

Personnel - Pre-employment

Conan explained

Mahan

Highways

Connie explained & responded to q's

White responded to q's

Approve as modified

Mahan

Dept. of Admin. - Telecommunications

Brian explained

Approve as mod.

BRM - Public Entities

Connie explained

BRM - Patient Injury

Connie explained & responded to questions  
Chuck Jones, Etee Dix responded to q's  
Lay over

Armstead  
adopted

State Police - Career Progression

Connie explained  
Approve  
Laid over

Mahan

State Police - Grievance

Connie explained  
Approve as modified

Mahan

State Police - Prof Stds

Connie explained  
Approve as modified

Mahan

Corrections

Prita explained  
Approve as mod

Mahan  
adopted

Ethics

Prita explained & responded to questions

Thompson does not want on BRM bills.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, January 10, 2005**  
**12:00 p.m. to 2:00 p.m.**  
**Senate Judiciary Committee Room**

1. **Approval of Minutes** - Meeting of December 5, 2004

2. **Review of Legislative Rules:**

*✓*  
*approved as modified* **Health and Human Resources, Public Health**  
Methods and Standards for Chemical Test for Intoxication  
64CSR10

- **Layover**
- **Approve as Modified**

*✓*  
*Approved* **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants Pursuant to  
40 CFR Part 61  
45CSR15

- **Approve**

*✓*  
*Approved* **Division of Air Quality**  
Standards of Performance for New Stationary Sources pursuant  
to 40 CFR part 60  
45CSR16

- **Approve**

*✓*  
*Approved* **Division of Air Quality**  
To Prevent and Control Air Pollution from Hazardous Waste  
Treatment, Storage, or Disposal Facilities  
45CSR25

- **Approve**

*✓*  
*Approved* **Division of Air Quality**  
Emission Standards for Hazardous Air Pollutants for Source  
Categories Pursuant to 40 CFR Part 63  
45CSR34

- **Approve**

Approved ✓  
as modified

West Virginia Division of Personnel  
Pre-Employment Reference and Inquires Rule  
143CSR4

- Approve as Modified

Approved ✓  
as modified

Department of Transportation, Division of Highways  
Use of State Road Rights of Way and Adjacent Areas  
157CSR6

- Approve as Modified

Approved ✓  
as modified

Department of Administration, Information Services and  
Communications (IS&C)  
Telecommunications Payments by Spending Units  
161CSR2

- Approve as Modified

Approved ✓  
as modified

Board of Risk and Insurance Management  
Public Entities Insurance Program  
115CSR2

- Approve as Modified

Laid over ✓  
til Tues

Board of Risk and Insurance Management  
Patient Injury Compensation Fund  
115CSR7

- Approve as Modified

Laid over ✓  
til Tues

West Virginia State Police  
WVSP Career Progression System  
81CSR3

- Approve

Approved ✓  
as modified

West Virginia State Police  
WVSP Grievance Procedure  
81CSR8

- Approve as Modified

Approved ✓  
as modified

West Virginia State Police  
WVSP Professional Standards Investigations, Employee Rights,  
Early Identifications System, Psychological Assessment and  
Progressive Discipline  
81CSR10

- Approve as Modified

*Approved  
as modified*

n. West Virginia Division of Corrections  
Parole Supervision  
90CSR2

• Approve as Modified

*Approved as  
modified*

West Virginia Ethics Commission  
Code of Conduct of Administrative Law Judges  
158CSR13

• Approve as Modified

*Approved  
as modified*

p. West Virginia Economic Development Authority  
High-Growth Business Investment Tax Credit  
117CSR5

• Approve as Modified

3.

~~OTHER CRIMES~~  
Other Business

**JANUARY INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**January 9, 10, and 11, 2005**

Monday, January 10, 2005

12:00 p.m. - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex  
 officio nonvoting member

Robert "Bob" Kiss, ex  
 officio nonvoting member

Senate

House

Ross, Chair  
 Minard, Vice Chair  
 Snyder  
 Unger  
 Boley  
 Minear

\_\_\_\_\_  
 ✓  
 ✓ present  
 ✓  
 ✓  
 ✓

Mahan, Chair  
 Thompson, Rick, Vice Chair  
 Cann  
 Kominar  
 Armstead  
 Faircloth

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

Minutes approved

- Health 64CSR10 - Debra
  - Debra Answered questions from Committee
  - Steve Compton responded to questions from Comm.
  - Jeff Osborne

Mahan move as modified

- Air - 45CSR15 - Joe
  - Joe Answered Question from Committee
  - Mahan moves as approved

- Air 45CSR16 - Joe
  - Mahan moves as approved

- Air 45CSR25 - Joe  
Mahan move as approved

- Air 45CSR34 - Joe  
Mahan move as approved

- Personnel 143CSR4 - Brian  
Mahan move w/ modifications

- Transportation 157CSR6 - Connie

  - Connie responded to questions from Comm.

  - Bill Light, Chief of <sup>WU</sup> Outdoor Advertisement

  - Sam Perkins, <sup>number</sup> Kanawha Valley <sup>outdoor</sup> Ad. ? WU Outdoor Ad.

  - Mahan move approve as modified

- Administration (ISIC) 141CSR2 - Brian

  - ↳ Mahan move approve as modified

  - ↳ motion to reconsider w/ modifications

- Risk & Insurance Management 115CSR2 - Connie  
Mahan move as modified

- Risk & Insurance Management 115CSR7 - Connie

  - Connie answered answered questions

  - Chuck Jones, Executive Director answered questions

  - ~~motion~~ <sup>strategic</sup> motion to layover

State Police 81CSR3 - Connir

~~State Police 81CSR3 - Connir~~  
Kornthor layover w/ amendment pending

State Police 81CSR8 - Connir

Makaw move as modified

State Police 81CSR10 - Connir

Makaw move as modified

Corrections 90CSR2 - Rita

Makaw move as modified

Ethics 158CSR13 - Rita

Rita answered questions from Connir  
Makaw move as modified

Economic Dev. Authority 117CSR5 - Debra  
Debra answered questions  
Makaw approve as modified

Makaw Adjourn

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule Making Date 1.10.05  
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Donna Lipscomb	Room E-119	Administration	
ROBERT FISHER	90 MCCORKLE AVE SOUTH CHARLESTON	BRIM	
Chuck Jones	90 MacCorkle Ave. <sup>suite</sup> 203 South Chas.	BRIM	
Charlie Bund	923 25 <sup>th</sup> ST VIENNA, WV 26105	IOGA-WV	
Delbert Harmon	DOC-112 Calif. Av	DOC	
Will Lyda	Room 607 Bldg 5	DOH outdoor Adv.	
SAM PARKINS	1509 Hansford St. Chas WV 25311	WV Outdoor Adv. Assoc.	
ZORNY DeMARCO	PO BOX 3231 CHAS. WV 25332	WV OIL & NAT. GAS ASSN	
BOB ORNDORFF	445 W. MAIN CLARKSBURG, WV	DOMINION	
Tony Gregory	100 Association Drive	WV Hospital Association	

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.
Helen Wilson	One Davis Square	DOA- FS&C	
Cynthia Good	" " "	" "	
Stephanie Chapin	" " "	" "	
Helen Andrews	Newark, WV	League of Women Voters	
Conn Grates Lewis	Cincinnati, OH	WV Environmental Council	
Dan GARNER	Buchanan, WV	WV Commercial Council	
Lewis G. Brewer	1207 Quince Ste. 407 Charleston	WV Ethics Commission	
Theresa M KIRK	" "	" "	

(a) Members of the West Virginia Trooper's Association shall be able to donate leave time to the president of the West Virginia Trooper's Association and/or his designee to be used in the performance of his or her duties as president of the Association. The accumulated leave may not exceed one hundred and twenty days.

**Proposed modification to 115 CSR 7:**

- 6.2. Subject to the provisions of section 6.3 of this rule, the amount payable by the fund to a qualified claimant is the amount of uncollectible economic damages. In determining the amount of uncollectible economic damages, payments of available insurance in the underlying professional medical liability action are considered to have been applied first to satisfy any economic damages award.
- 6.3. The maximum amount payable out of the fund in respect to any one occurrence, inclusive of attorney fees, shall be the lesser of one million dollars or the maximum amount of money that could have been collected for all applicable insurance prior to the creation of the Fund. For purposes of this rule, amounts payable by any insurance guaranty funds due to the insolvency of an insurance company are deemed applicable insurance.

(a) Members of the West Virginia Trooper's Association shall be able to donate leave time to the president of the West Virginia Trooper's Association and/or his designee to be used in the performance of his or her duties as president of the Association. The accumulated leave may not exceed one hundred and twenty days.

**JANUARY** 11.

Tuesday, January 11, 2005

2:30 p.m. to 4:30 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	Absent	Mahan, Chairman	
Minard, Vice Chairman		Thompson, Vice Chairman	Absent
Snyder	Absent	Cann	
Unger	Absent	Kominar	
Boley	Absent	Armstead	
Minear		Faircloth	Absent

The meeting was called to order by Mr. Minard, Vice Chairman.

Due to a lack of quorum the meeting was adjourned.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, January 11, 2005**  
**2:30 p.m. to 4:30 p.m.**  
**Senate Judiciary Committee Room**

1. **Approval of Minutes** - Meeting of November 8, 2004.
2. **3. Review of Legislative Rules:**
  - a. **Board of Risk and Insurance Management**  
*Patient Injury Compensation Fund*  
115CSR7
    - Layover
  - b. **West Virginia State Police**  
*WVSP Career Progression System*  
81CSR3
    - Layover
  - c. **West Virginia Health Care Authority**  
*Benchmarking and Discount Contract Rule*  
65CSR26
  - d. **Office of Water Resources - DEP**  
*National Pollutant Discharge Elimination System (NPDES)*  
47CSR10
3. **Water Quality Standard Study**
  - A. **Mercury**
    1. Presentations on cause and status of state fish consumption warning because of excess mercury in fish:

Bret Preston- Department of Natural Resources, Barbara Taylor, Department of Health and Pat Campbell Department of Environmental Protection.
    2. Presentation by Dr. Ed Snyder chairman and Dr. Scott Simonton, vice-chairman of Environmental Quality Board on Board proposals regarding mercury water quality standard.
  - B. **Manganese**
    1. Presentations by Dr. Snyder, Dr. Taylor and Allyn Turner regarding DEP proposal for new manganese standard.
4. **Other Business**

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, January 11, 2005**  
**2:30 p.m. to 4:30 p.m.**  
**Senate Judiciary Committee Room**

1. **Approval of Minutes** - Meeting of November 8, 2004.
2. **3. Review of Legislative Rules:**
  - a. **Board of Risk and Insurance Management**  
*Patient Injury Compensation Fund*  
115CSR7
    - **Layover**
    - **Approve as Modified**
  - b. **West Virginia State Police**  
*WVSP Career Progression System*  
81CSR3
    - **Layover**
    - **Approve**
  - c. **West Virginia Health Care Authority**  
*Benchmarking and Discount Contract Rule*  
65CSR26
    - **Approve as Modified**
  - d. **Office of Water Resources - DEP**  
*National Pollutant Discharge Elimination System (NPDES)*  
47CSR10
    - **Approve as Modified**

3. **Water Quality Standard Study**

A. **Mercury**

1. Presentations on cause and status of state fish consumption warning because of excess mercury in fish:

Bret Preston- Department of Natural Resources, Barbara Taylor, Department of Health and Pat Campbell Department of Environmental Protection.

2. Presentation by Dr. Ed Snyder chairman and Dr. Scott Simonton, vice-chairman of Environmental Quality Board on Board proposals regarding mercury water quality standard.

**B. Manganese**

1. Presentations by Dr. Snyder, Dr. Taylor and Allyn Turner regarding DEP proposal for new manganese standard.

**4. Other Business**

**JANUARY INTERIM ATTENDANCE**  
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Legislative Rule-Making Review Committee

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officio nonvoting member \_\_\_\_\_

Robert S. Kiss, ex  
officio nonvoting member \_\_\_\_\_

Senate

Ross, Chair \_\_\_\_\_

Minard, Vice Chair

Snyder \_\_\_\_\_

Unger \_\_\_\_\_

Boley \_\_\_\_\_

Minear

House

Mahan, Chair

Thompson, Richard, Vice Chair \_\_\_\_\_

Cann

Kominar

Armstead

Fairecloth \_\_\_\_\_

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819.

**JANUARY INTERIM ATTENDANCE**

**Legislative Interim Meetings**

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Robert "Bob" Kiss, ex  
officio nonvoting member

Senate

House

Ross, Chair \_\_\_\_\_  
Minard, Vice Chair   
Snyder \_\_\_\_\_  
Unger \_\_\_\_\_  
Boley \_\_\_\_\_  
Miner

Mahan, Chair   
Thompson, Rick, Vice Chair \_\_\_\_\_  
Cann   
Kominar   
Armstead   
Faircloth \_\_\_\_\_

Meeting called to order by Mr. Minard

Due to lack of quorum  
meeting was adjourned

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule - Making Date 1.11.05  
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
BARBARA SMITH	OEHS-BPH-		
Wesley Johnson	Buckhannon	WVFB	X
Patrick Gurbell	Charleston	WVDEP	
Ed Snyder	Shepherdstown	EJB	

(a) Members of the West Virginia Trooper's Association shall be able to donate leave time to the president of the West Virginia Trooper's Association and/or his designee to be used in the performance of his or her duties as president of the Association. The accumulated leave may not exceed one hundred and twenty days.