

AUGUST 26

Tuesday, August 26, 2008

3:00 p.m. to 5:00 p.m.

Legislative Rule-Making
Review Committee
(Code §29A-3-10)

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair
Prezioso
Unger
Boley
Facemyer

Absent
Absent

Brown, Chairman
Miley, Vice Chair
Burdiss
Talbott
Overington
Sobonya

Absent
Absent
Absent

The meeting was called to order by Mr. Minard, Co-Chair.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Department of Agriculture, Disposal of Dead Poultry, 61CSR1C**, and stated that the Department has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the **WV Department of Agriculture, Commercial Feed, 61CSR5**, and stated that the Agency has agreed to technical modifications.

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

Ms. Graham explained her abstract on the rule proposed by the **WV Department of Agriculture, Schedule of Charges For Inspection Services: Fruit, 61CSR8B**, and responded to questions from the Committee.

Steve Hanna, Deputy Commissioner for the WV Department of Agriculture, responded to questions from the Committee.

Mr. Prezioso 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 Resources, Boating Rule, 58CSR25**.

Lt. Colonel Jenkins responded to questions from the Committee.

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

Ms. Graham explained her abstract on the rule proposed by the **Division of Natural Resources, Deer Hunting Rule, 58CSR50.**

Lt. Colonel Jenkins responded to questions from the Committee.

Mr. Talbott 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 Resources, Lifetime Hunting, Trapping and Fishing Licenses, 58CSR67.**

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

Ms. Facemyer requested to be recorded as voting NO.

Ms. Graham explained her abstract on the rule proposed by the **Division of Natural Resources, Hunting, Trapping and Fishing License and Stamp Fees, 58CSR71,** stated that the Division has agreed to technical modifications and responded to questions from the Committee.

Curtis Taylor with the Division of Natural Resources responded to questions from the Committee.

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

Ms. Facemyer requested to be recorded as voting NO.

Brian Skinner, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Personnel, Reimbursement of Compensation Paid to State Employees for Training, Education and Professional Development, 143CSR8,** stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Skinner explained his abstract on the rule proposed by the **WV Ethics Commission, Voting, 158CSR9,** and responded to questions from the Committee.

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

Mr. Skinner reviewed his abstract on the rule proposed by the **WV Ethics Commission, Lobbying, 158CSR12**, stated that the Commission has agreed to technical modifications.

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

Ms. Graham explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, General Provisions, 162CSR1**.

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

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

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

Ms. Graham explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Teachers' Retirement System, 162CSR4**, and stated that the Board has agreed to technical modifications.

Mr. Fanning 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, Public Employees Retirement System, 162CSR5**.

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

Ms. Graham explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, Refund, Reinstatement and Loan Interest Factors, 162CSR7**.

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

Ms. Graham reviewed her abstract on the rule proposed by the **Consolidated Public Retirement Board, Service Credit for Accrued and Unused Sick and Annual Leave, 162CSR8**.

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

Ms. Graham explained her abstract on the rule proposed by the **Consolidated Public Retirement Board, West Virginia State Police, 162CSR9**.

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

Ms. Graham reviewed her abstract on the rule proposed by the **Consolidated Public Retirement Board, Deputy Sheriff Retirement System, 162CSR10**, and stated that the Board has agreed to technical modifications.

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Division of Tourism, Direct Advertising Grants Program, 144CSR1**, and responded to questions from the Committee.

John Amores, Deputy Secretary for the Department of Commerce responded to questions from the Committee.

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

Mr. Minard moved to approved the minutes of Tuesday, July, 29, 2008. The motion was adopted.

Mr. Prezioso moved to adjourn. The motion was adopted.

AUGUST INTERIM ATTENDANCE
Legislative Interim Meetings
August 24, 25 and 26, 2008

Tuesday, August 26, 2008

3:00 pm - 5:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

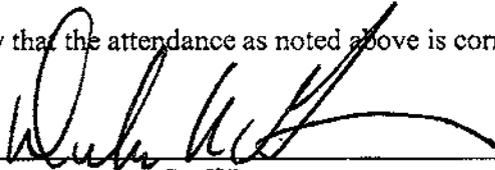
Senate

Minard, Chair
Fanning, Vice Chair
Prezioso
Unger
Boley
Facemyer

House

Brown, Chair
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

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 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, August 26, 2008
3:00 p.m. to 5:00 p.m.
Senate Judiciary Committee Room

1. **Review of Legislative Rules:**

- a. **Agriculture, WV Department of**
Disposal of Dead Poultry
61CSR1C
 - Approve as Modified

- b. **Agriculture, WV Department of**
Commercial Feed
61CSR5
 - Approve as Modified

- c. **Agriculture, WV Department of**
Schedule of Charges For Inspection Services: Fruit
61CSR8B
 - Approve

- d. **Natural Resources, Division of**
Boating Rule
58CSR25
 - Approve

- e. **Natural Resources, Division of**
Deer Hunting Rule
58CSR50
 - Approve

- f. **Natural Resources, Division of**
Lifetime Hunting, Trapping and Fishing Licenses
58CSR67
 - Approve

- g. **Natural Resources, Division of**
Hunting, Trapping and Fishing License and Stamp Fees
58CSR71
 - Approve as Modified

- h. **Personnel, WV Division of**
Reimbursement of Compensation Paid to State Employees for Training, Education and Professional Development
143CSR8
 - Approve as Modified
- i. **Ethics Commission, WV**
Voting
158CSR9
 - Approve
- j. **Ethics Commission, WV**
Lobbying
158CSR12
 - Approve as Modified
- k. **Consolidated Public Retirement Board**
General Provisions
162CSR1
 - Approve
- l. **Consolidated Public Retirement Board**
Benefit Determination and Appeal
162CSR2
 - Approve as Modified
- m. **Consolidated Public Retirement Board**
Teachers' Retirement System
162CSR4
 - Approve as Modified
- n. **Consolidated Public Retirement Board**
Public Employees Retirement System
162CSR5
 - Approve
- o. **Consolidated Public Retirement Board**
Refund, Reinstatement and Loan Interest Factors
162CSR7
 - Approve
- p. **Consolidated Public Retirement Board**
Service Credit for Accrued and Unused Sick and Annual Leave
162CSR8
 - Approve

q. **Consolidated Public Retirement Board**
West Virginia State Police
162CSR9

- Approve

r. **Consolidated Public Retirement Board**
Deputy Sheriff Retirement System
162CSR10

- Approve as Modified

s. **Tourism, Division of**
Direct Advertising Grants Program
144CSR1

- Approve

2. **Other Business**

AUGUST INTERIM ATTENDANCE

Legislative Interim Meetings

August 24, 25 & 26, 2008

Tuesday, August 25, 2008

3:00 p.m. - 5:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Richard Thompson, ex
officio nonvoting member

Senate

House

Minard, Chair ✓
Fanning, Vice Chair ✓
Prezioso ✓
Unger _____
Boley _____
Facemyer ✓

Brown, Chair _____
Miley, Vice Chair _____
Burdiss _____
Talbot ✓
Overington ✓
Sobonya ✓

Minard called meeting to order.

• *Agriculture 61 CSR 10*

Debra explained

Fanning moved as modified

Approved as modified

• *Agriculture 61 CSR 5*

Debra explained

Fanning moved rule as modified

Approved as modified

• *Agriculture 61 CSR 8 B*

Debra explained & responded to ?'s

~~Prezioso~~ moved rule

Approved

*Steve Hanna,
Deputy Commissioner
Responded to ?'s*

• Natural Resources 58CSR25

Debra explained

~~Prezioso~~ moved rule

Lt Colonel Jenkins responded to ?'s
Approved

• Natural Resources 58CSR50

Debra explained

Lt. Colonel Jenkins responded to ?'s

Talbot moved rule

Approved

• Natural Resources 58CSR67

Debra explained

Approved

Fanning moved rule

Facemyer
Vote NO

• Natural Resources 58CSR71

Debra explained and responded to ?'s

Curtis Taylor responded to ?'s

Talbot moved as modified

Approved as modified

Facemyer
Vote NO

• Personnel 143CSR8

Brian explained and responded to ?'s

Fanning moved as modified

Approved as modified

- Ethics 158CSR9
Brian explained
Fanning moved rule
Approved
- Ethics 158CSR12
Brian explained
Fanning moved rule as modified
Approved as modified
- CPRB 162CSR1
Debra explained
~~Talbot~~ moved rule
Approved
- CPRB 162CSR2
Debra explained
Fanning moved rule as modified
Approved as modified
- CPRB 162CSR4
Debra explained
Fanning moved rule as modified
Approved as modified

8

4
GPRB 162CSR10
Debra explained
Tanning moved rule as modified
Approved as modified

GPRB 162CSR9
Debra explained
Tanning moved rule
Approved

GPRB 162CSR8
Debra explained
Tanning moved rule
Approved

GPRB 162CSR7
Debra explained
Tanning moved rule
Approved

GPRB 162CSR5
Debra explained
Tanning moved rule
Approved

• Tourism 144CSRI

Charlie explained & responded to ?'s
John Amores Deputy Secretary for Dept of Commerce
responded to ?'s

Fanning moved rule

Approved

moved to

• Approved minutes

Approved

Prezioss moved to adjourn

Approved

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, August 26, 2008
3:00 p.m. to 5:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

*Approve b.
as modified* Agriculture, WV Department of
Disposal of Dead Poultry
61CSR1C

- Approve as Modified

*Approve b.
as modified* Agriculture, WV Department of
Commercial Feed
61CSR5

- Approve as Modified

Approved c. Agriculture, WV Department of
Schedule of Charges For Inspection Services: Fruit
61CSR8B

- Approve

Approved d. Natural Resources, Division of
Boating Rule
58CSR25

- Approve

Approved e. Natural Resources, Division of
Deer Hunting Rule
58CSR50

- Approve

Approved f. Natural Resources, Division of
Lifetime Hunting, Trapping and Fishing Licenses
58CSR67

- Approve

*Approve
as modified* Natural Resources, Division of
Hunting, Trapping and Fishing License and Stamp Fees
58CSR71

- Approve as Modified

Approved
as modified

Personnel, WV Division of
Reimbursement of Compensation Paid to State Employees for
Training, Education and Professional Development
143CSR8

- Approve as Modified

Approved

Ethics Commission, WV
Voting
158CSR9

- Approve

Approved
as modified

Ethics Commission, WV
Lobbying
158CSR12

- Approve as Modified

Approved

Consolidated Public Retirement Board
General Provisions
162CSR1

- Approve

Approved
as modified

Consolidated Public Retirement Board
Benefit Determination and Appeal
162CSR2

- Approve as Modified

Approved
as modified

Consolidated Public Retirement Board
Teachers' Retirement System
162CSR4

- Approve as Modified

Approved

Consolidated Public Retirement Board
Public Employees Retirement System
162CSR5

- Approve

Approved

Consolidated Public Retirement Board
Refund, Reinstatement and Loan Interest Factors
162CSR7

- Approve

Approved

Consolidated Public Retirement Board
Service Credit for Accrued and Unused Sick and Annual Leave
162CSR8

- Approve

Approve

1. Consolidated Public Retirement Board
West Virginia State Police
162CSR9

- Approve

Approve as modified

2. Consolidated Public Retirement Board
Deputy Sheriff Retirement System
162CSR10

- Approve as Modified

Approve

3. Tourism, Division of
Direct Advertising Grants Program
144CSR1

- Approve

2. Other Business

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, August 26, 2008
3:00 p.m. to 5:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

~~a.~~ Agriculture, WV Department of *as modified*
Disposal of Dead Poultry
61CSR1C

- Approve as Modified

~~b.~~ Agriculture, WV Department of *as modified*
Commercial Feed
61CSR5

- Approve as Modified

~~c.~~ Agriculture, WV Department of
Schedule of Charges For Inspection Services: Fruit
61CSR8B

- Approve

~~d.~~ Natural Resources, Division of
Boating Rule .08
58CSR25

- Approve

~~e.~~ Natural Resources, Division of
Deer Hunting Rule
58CSR50

- Approve

Vote NO

Vote NO

~~f.~~ Natural Resources, Division of
Lifetime Hunting, Trapping and Fishing Licenses
58CSR67

- Approve

Natural Resources, Division of
Hunting, Trapping and Fishing License and Stamp Fees
58CSR71

- Approve as Modified

Facemeyr

Please record me as a NO vote on these two. Thanks. Karen [unclear]

~~h.~~ Personnel, WV Division of ~~ACC~~
Reimbursement of Compensation Paid to State Employees for
Training, Education and Professional Development
143CSR8

- Approve as Modified

~~i.~~ Ethics Commission, WV
Voting
158CSR9

- Approve

~~j.~~ Ethics Commission, WV
Lobbying
158CSR12

- Approve as Modified

~~k.~~ Consolidated Public Retirement Board
General Provisions ~~EMS~~
162CSR1

- Approve

~~l.~~ Consolidated Public Retirement Board
Benefit Determination and Appeal
162CSR2

- Approve as Modified

~~m.~~ Consolidated Public Retirement Board
Teachers' Retirement System
162CSR4

- Approve as Modified

~~n.~~ Consolidated Public Retirement Board
Public Employees Retirement System
162CSR5

- Approve

~~o.~~ Consolidated Public Retirement Board
Refund, Reinstatement and Loan Interest Factors
162CSR7

- Approve

~~p.~~ Consolidated Public Retirement Board
Service Credit for Accrued and Unused Sick and Annual Leave
162CSR8

- Approve

9.

Consolidated Public Retirement Board
West Virginia State Police
162CSR9

- Approve

10.

Consolidated Public Retirement Board
Deputy Sheriff Retirement System
162CSR10

- Approve as Modified

11.

Tourism, Division of
Direct Advertising Grants Program
144CSR1

- Approve

2. **Other Business**