

Legislative Rule-Making Review Committee

Senate Judiciary Committee Room

Minutes for Wednesday, September 15, 2022

9:00 a.m. to 9:00 p.m.

Senate

House

Sypolt, Chair	Present	Foster, G., Chair	Present
Jeffries	Present	Fleischauer	Present
Lindsay	Present	Graves	Present
Roberts	Present	Rowe	Present
Rucker	Present	Steele	Present
Weld		Worrell	Present
Blair, Nonvoting		Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Thursday, September 15, 2022. The meeting was called to order by the Chair, Delegate Foster. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Cindy Dellinger, Senate Counsel; Carl Fletcher, Senate Counsel; Jeff Johnson, Senate Counsel; Mark McOwen, House Counsel; Liz Schindzielorz, Senate Counsel; Dennie Morgan, Jr., House Counsel; Max Wilkinson, House Counsel; Phillip Childs, Joint Committee Counsel; and Brian Casto; Adair Sankoff, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Foster recognized Senator Sypolt for the purpose of a motion to approve the minutes from December 8, 2021, and January 9, 2022. The motion was adopted.

1. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the Department of Health and Human Resources, *Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities Within the State*, [69 CSR 13](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

2. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Motor Vehicles, *Administrative Due Process*, [91 CSR 01](#).

On motion of Senator Sypolt, the rule was approved as filed.

3. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Motor Vehicles, *Examination and Issuance of Driver's License*, [91 CSR 04](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

4. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Motor Vehicles, *Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals ad Reinstatement of Driving Privilege's*, [91 CSR 05](#), and responded to questions from the Committee.

With leave of the Committee, Adam Holley, General Counsel for the Division of Motor Vehicles, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

5. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Emergency Management, *National Flood Insurance Program*, [170 CSR 07](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

6. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Labor, *Board of Manufactured Housing Construction and Safety Rule*, [42 CSR 19](#), and responded to questions from the Committee.

With leave of the Committee, Mitchell Woodrum, Commissioner of the Division of Labor, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

7. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Labor, *Supervision of Plumbing Work*, [42 CSR 32](#).

On motion of Senator Sypolt, the rule was approved as filed.

8. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Labor, *Regulation of HVAC Work*, [42 CSR 34](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

9. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Labor, *Registration of Service Persons and Service Agencies*, [42 CSR 35](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

10. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the Division of Labor, *Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions*, [42 CSR 36](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

11. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the State Treasurer's Office, *Enforcement of the Uniform Unclaimed Property Act*, [112 CSR 05](#), and responded to questions from the Committee.

With leave of the Committee, Laura Goins, Deputy Treasurer for Unclaimed Property, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

12. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the State Treasurer's Office, *JumpStart Savings Program*, [112 CSR 20](#).

With leave of the Committee, Sarah Canterbury, General Counsel for the State Treasurer's Office, responded to questions from the Committee.

With leave of the Committee, Amy Willard, Deputy Treasurer for the State Treasurer's Office, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

13. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the Division of Financial Institutions, *Rule Pertaining to Money Transmission Services*, [106 CSR 23](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

14. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the Lottery Commission, *West Virginia Lottery Sports Wagering Rule*, [179 CSR 09](#), and responded to questions from the Committee.

With leave of the Committee, John Myers, Director of the Lottery Commission, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as filed.

15. Delegate Foster announced that the proposed rule by the Insurance Commission, *Bail Bondsmen in Criminal Cases*, [114 CSR 103](#), will be laid over until the October 2022 meeting.

16. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the Insurance Commission, *Suitability in Annuity Transactions*, [114 CSR 11B](#).

On motion of Senator Sypolt, the rule was approved as filed.

17. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the Insurance Commission, *Pharmacy Auditing Entities and Pharmacy Benefit Managers*, [114 CSR 99](#), and responded to questions from the Committee.

With leave of the Committee, Erin Hunter, General Counsel for the Insurance Commission, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

18. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the Development Office, *Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program*, [145 CSR 15](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

19. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the State Tax Department, *West Virginia Film Industry Investment Act*, [110 CSR 13X](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

20. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the State Tax Department, *Farm-To-Food Bank Tax Credit*, [110 CSR 13DD](#), and responded to questions from the Committee.

With leave of the Committee, Stephen Stockton, Attorney Supervisor for the State Tax Department, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as filed.

21. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the State Tax Department, *Property Transfer Tax*, [110 CSR 22](#).

On motion of Senator Sypolt, the rule was approved as filed.

22. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the State Tax Department, *Municipal Sales and Use Tax Administration*, [110 CSR 28](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

23. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the State Tax Department, *Personnel Rule for the Tax Division*, [110 CSR 42](#).

On motion of Senator Sypolt, the rule was approved as filed.

24. Delegate Foster announced that the proposed rule by the Department of Agriculture, *West Virginia Apiary Law*, [61 CSR 02](#), will be laid over until the October 2022 meeting.

25. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Secretary of State, *Early Voting In-Person Satellite Precincts*, [153 CSR 13](#), and responded to questions from the Committee.

With leave of the Committee, Donald Kersey, General Counsel for the Department of Agriculture, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

26. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Secretary of State, *Combined Voter Registration and Driver Licensing Fund*, [153 CSR 25](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

27. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Secretary of State, *Administrative Procedures for the Nonpublic Funding for Election Administration Fund*, [153 CSR 54](#), and responded to questions from the Committee.

With leave of the Committee, Donald Kersey, General Counsel for the Department of Agriculture, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

Recess.

Called to order by Delegate Foster.

28. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Schedule for Charges for Inspection Services: Fruit*, [61 CSR 08B](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

29. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Rule Dealing With Noxious Weeds*, [61 CSR 14A](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

30. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Grade A Pasteurized Milk*, [61 CSR 15](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

31. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Inspection of Nontraditional, Domesticated Animals*, [61 CSR 23D](#), and responded to questions from the Committee.

With leave of the Committee, Crescent Gallagher, Director of Business Development and Communication for the Department of Agriculture, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

32. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Hemp Products*, [61 CSR 30](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

33. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Livestock Care Standards*, [61 CSR 31](#), and responded to questions from the Committee.

With leave of the Committee, Jennifer Greenlief, General Counsel for the Department of Agriculture, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

34. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Farm-To-Food Bank Tax Credit*, [61 CSR 36](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

35. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Department of Agriculture, *Farmers Market*, [61 CSR 38](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

36. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Conservation Agency, *Operation of West Virginia State Conservation Committee and Conservation Districts*, [63 CSR 01](#), and responded to questions from the Committee.

With leave of the Committee, Brian Farkas, Executive Director of the Conservation Agency, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

37. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the Conservation Agency, *Conservation District Accounting and Auditing Standards*, [63 CSR 04](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

38. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Medicine, *Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders*, [11 CSR 01A](#).

On motion of Senator Sypolt, the rule was approved as filed.

39. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Medicine, *Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants*, [11 CSR01B](#).

On motion of Senator Sypolt, the rule was approved as filed.

40. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Medicine, *Collaborative Pharmacy Practice*, [11 CSR 08](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as filed.

41. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Medicine, *Prohibiting Sexual Misconduct by Health Care Practitioners*, [11 CSR 16](#), and responded to questions from the Committee.

With leave of the Committee, Mark Spangler, Executive Director for the Board of Medicine, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as filed.

42. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct*, [19 CSR 03](#).

On motion of Senator Sypolt, the rule was approved as filed.

43. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Advanced Practice Registered Nurse Licensure Requirements*, [19 CSR 07](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

44. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Limited Prescriptive Authority for Nurses in Advanced Practice*, [19 CSR 08](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

45. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Continuing Education and Competence*, [19 CSR 11](#), and responded to questions from the Committee.

With leave of the Committee, Sue Painter, Executive Director for the Board of Registered Professional Nurses, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

Delegate Foster clarified the agency agreed to modifications.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

46. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Fees for Services Rendered by the Board*, [19 CSR 12](#), and responded to questions from the Committee.

With leave of the Committee, Sue Painter, Executive Director for the Board of Registered Professional Nurses, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

47. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database*, [19 CSR 14](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

48. Dennie Morgan, Jr., House Counsel, explained his abstract on the proposed rule by the Board of Registered Professional Nurses, *Telehealth Practice; Requirements; Definitions*, [19 CSR 16](#).

On motion of Senator Sypolt, the rule was approved as filed.

49. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the Division of Natural Resources, *Hunting, Fishing, and Other Outfitters and Guides*, [58 CSR 11](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

Delegate Steele moved to amend the rule as follows:

On page 4, section 7, by striking out the text of sections 7.1, 7.2, 7.3, and 7.4 in their entirety and inserting in lieu thereof the following text: “7.1. The Division may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor’s office for criminal prosecution.”

The amendment was adopted.

On motion of Senator Sypolt, the rule was approved as modified and amended.

50. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the Division of Natural Resources, *Miscellaneous Permits and Licenses*, [58 CSR 64](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

Delegate Steele moved to amend the rule as follows:

On page 19, section 8, by striking out the text of sections 8.1 and 8.2 in their entirety and inserting in lieu thereof the following text: “8.1. The Division may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor’s office for criminal prosecution.”

The amendment was adopted.

On motion of Senator Sypolt, the rule was approved as modified and amended.

51. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the Division of Natural Resources, *Commercial Whitewater Outfitters*, [58 CSR 12](#).

Delegate Steele moved to amend the rule as follows:

On page 18, section 15, by striking out the text of sections 15.1, in its entirety and inserting in lieu thereof the following text: “15.1. The Division

may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor's office for criminal prosecution.”

The amendment was adopted.

On motion of Senator Sypolt, the rule was approved as amended.

52. Max Wilkinson, House Counsel, explained his abstract on the proposed rule by the Division of Natural Resources, *Special Motorboating Regulations*, [58 CSR 27](#).

On motion of Senator Sypolt, the rule was approved as filed.

53. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Accountancy, *Board Rules and Rules of Professional Conduct*, [1 CSR 01](#), and responded to questions from the Committee.

With leave of the Committee, Horace Emory, Assistant to the Secretary of the Board of Accountancy, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as filed.

54. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Acupuncture, *Advertising by Licensed Acupuncturists*, [32 CSR 05](#).

With leave of the Committee, Linda Lyter, Executive Director for the Board of Acupuncture, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

55. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Acupuncture, *Standards of Practice of Acupuncture by Licensed Acupuncturists*, [32 CSR 06](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

56. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Acupuncture, *Continuing Education Requirements*, [32 CSR 09](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

57. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Administration, *Purchasing*, [148 CSR 01](#).

On motion of Senator Sypolt, the rule was approved as filed.

58. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Administration, *Parking*, [148 CSR 06](#).

Delegate Foster moved to amend the rule as follows:

On page 2, section 5, by striking out the text of section 5.1 in its entirety and inserting in lieu thereof the following text: "5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park, to be paid by the spending unit, shall be \$20 per month per employee using a parking space. Payment by the spending unit shall be made in accordance with the policies of the Secretary. The Secretary may charge a reasonable fee to replace a parking tag or access card issued to a public officer or employee which shall be paid by the public officer or employee."

Delegate Foster moved to modify his amendment to the rule as follows:

On page 2, section 5, by striking out the text of section 5.1 in its entirety and inserting in lieu thereof the following text: "5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park, to be paid by the spending unit, shall be \$20 per month per employee using a designated

parking space. Payment by the spending unit shall be made in accordance with the policies of the Secretary. The Secretary may charge a reasonable fee to replace a parking tag or access card issued to a public officer or employee which shall be paid by the public officer or employee.”

The amendment was adopted.

With leave of the Committee, Arlie Hubbard, Deputy Director of the Department of Administration, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was approved as amended.

59. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Athletic Commission, *Regulation of Boxing*, [177 CSR 01](#).

On motion of Senator Rucker, the agency agreed to modifications were adopted.

On motion of Senator Rucker, the rule was approved as modified.

60. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Athletic Commission, *Regulation of Mixed Martial Arts*, [177 CSR 02](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

61. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Auditor’s Office, *Standards for Voluntary Payroll Deductions*, [155 CSR 03](#).

On motion of Senator Sypolt, the rule was approved as filed.

62. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Board of Landscape Architects, *Registration of Landscape Architects*, [9 CSR 01](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

63. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Optometry, *Optometric Telehealth Practice*, [14 CSR 12](#), and responded to questions from the Committee.

With leave of the Committee, Pamela Carper, Executive Director for the Board of Optometry, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

Delegate Rowe requested that he be recorded as voting No.

64. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Osteopathic Medicine, Osteopathic Physician Assistants, [24 CSR 02](#).

On motion of Senator Sypolt, the rule was approved as filed.

65. Brian Casto, House Counsel, explained his abstract on the proposed rule by the Department of Environmental Protection, *Standards of Performance for New Stationery Sources*, [45 CSR 16](#).

On motion of Senator Sypolt, the rule was approved as filed.

66. Delegate Foster announced that the proposed rule by the Department of Environmental Protection, *Requirements for Operating Permits*, [45 CSR 30](#), will be laid over until the October 2022 meeting.

67. Brian Casto, House Counsel, explained his abstract on the proposed rule by the Department of Environmental Protection, *Emission Standards for Hazardous Air Pollutants*, [45 CSR 34](#).

On motion of Senator Sypolt, the rule was approved as filed.

68. Brian Casto, House Counsel, explained his abstract on the proposed rule by the Department of Environmental Protection, *Control of Ozone Season*

Nitrogen Oxides Emissions, [45 CSR 40](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

With no further business to come before the committee, Senator Sypolt moved to adjourn. The motion was adopted.