

SEPTEMBER

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, September 30, 1985 - 12:00 - 2:00 p.m.

HOUSE FINANCE, ROOM 464

1. Approval of Minutes - August 28, 1985
2. REVIEW OF LEGISLATIVE RULES:
 - a. State Board of Examiners of Land Surveyors - Rules and Regulations Governing the Practice of Land Surveying
 - b. Department of Motor Vehicles - Proposed rules and regulations relating to eligibility for reinstatement following suspension or revocation of driving privileges
 - c. Department of Motor Vehicles - Proposed Rules and Regulations relating to Chapter 17A-2, Series XII, Motor Vehicle Inspection Manual
3. Discussion on the need to hold public hearings on proposed legislative rules submitted by the Board of Examiners for Registered Professional Nurses

Tuesday, October 1, 1985 - 6:00 - 8:00 p.m.

SENATE ROOM 265

1. REVIEW OF LEGISLATIVE RULES:
 - a. State Tax Department - Proposed rules and regulations governing the operation of a statewide electronic data processing system network, to facilitate administration of the ad valorem property tax on real and personal property.
 - b. Board of Medicine - Proposed rules and regulations governing approval of medical schools not accredited by the Liaison Committee on Medical Education
 - c. Landscape Architects - Discussion of possible problem with rules formerly promulgated by Landscape Architects

2. REVIEW OF EMERGENCY RULES:

- a. Secretary of State - amendment to Standard Size and format ... in Secretary of State office to conform with computer requirements

3. REVIEW OF COMMITTEE GUIDELINES

Review of Guidelines for agencies to follow in submitting proposed rules to the Committee

4. OTHER

Monday, September 30, 1985

Legislative Rule-Making Review Committee

12:00 - 2:00 p.m.

(Code §29A-3-10)

Dan Tonkovich
ex officio nonvoting member
Senate

Joseph P. Albright,
ex officio non voting member
House

Williams, R., Chairman
Boettner
Rogers
Tomblin (absent)
Harman (absent)
Shaw (absent)

Casey, Chairman
Knight
Schifano
Wiedebusch
Shaffer
Springston

Also present: Delegate Floyd R. Stiles

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

The minutes of the August 28, 1985 meeting were approved.

Mr. Casey told the Committee that it was his understanding that Mr. Mowery, Committee Counsel, and the State Board of Examiners of Land Surveyors had been unable to reach an agreement.

Mr. Shaffer moved that the legislative rule proposed by the State Board of Examiners of Land Surveyors be laid over until the Committee's October meeting. Mr. Casey suggested that action of the motion be delayed until Mr. Mowery could be present to discuss his meeting with the Board. Mr. Shaffer agreed to Mr. Casey's suggestion.

Debra Graham, Associate Counsel, gave a brief abstract of the legislative rule proposed by the Department of Motor Vehicles, entitled "Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges". Ms. Graham told the Committee that the Department had modified the rules on the basis of several minor problems that she had pointed out. Wyatt Hanna, Special Assistant to the Commissioner, discussed the proposed legislative rules and answered questions from Committee members.

Upon motion of Mr. Shaffer, properly seconded and adopted, the Committee approved the legislative rule proposed by the Department of Motor Vehicles, entitled "Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges", as modified.

Mr. Mowery discussed the status of the legislative rule proposed by the State Board of Examiners of Land Surveyors. He told the Committee that the Board is willing to resolve the

statutory problems. However, he informed the Committee that it would be up to the Committee to determine what the accuracy standards will be in this State.

Mr. Shaffer's previous motion that the legislative rules proposed by the State Board of Examiners of Land Surveyors be laid over until the Committee's October meeting was adopted.

Mr. Mowery gave the Committee a brief overview of the legislative rule proposed by the Department of Motor Vehicles entitled "Motor Vehicle Inspection Manual". He told the Committee that the Motor Vehicle Inspection Manual, incorporated in the rule by reference, is basically in good shape.

Upon motion of Mr. Williams, properly seconded and adopted, the Committee approved the legislative rule proposed by the Department of Motor Vehicles, entitled "Motor Vehicle Inspection Manual."

Mr. Casey informed the Committee that the legislative rule proposed by the Board of Examiners for Registered Professional Nurses relating to requiring nurses to have a baccalaureate degree had been filed with the Committee and that the need for a public hearing was up for discussion. Ms. Graham gave the Committee a brief synopsis of the legislative rule. Garnette Thorn, Executive Secretary, explained to the Committee the reasons why the Board feels that the educational standards for registered professional nurses need to be amended.

Mr. Knight moved that the Committee conduct a public hearing in October on the legislative rule proposed by the Board.

Mr. Shaffer moved to amend the motion to lay the proposed legislative rule over until October to allow members of the Committee to determine the need for a public hearing.

After further discussion by the Committee, Mr. Shaffer withdrew his amendment to Mr. Knight's motion.

Mr. Williams moved to amend Mr. Knight's motion to state that the public hearing would be conducted during the November interim meetings. Mr. Knight agreed to Mr. Williams' amendment.

Mr. Knight's motion, as amended, was adopted.

Staff was directed to schedule a two-hour public hearing in the House Chamber during the November interim period on the legislative rule proposed by the Board of Examiners for Registered Professional Nurses relating to requiring nurses to have a baccalaureate degree.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 9/30/85

TIME: 12:00

NAME	Present	Absent	Yeas	Nays
Albright, Joseph P.				
Casey, James M.	✓			
Knight, Thomas A.	✓			
Schifano, Larry E.	✓			
Wiedebusch, Larry	✓			
Shaffer, Charles R.	✓			
Springston, Benjamin	✓			
Tonkovich, President				
Williams, Ralph D.	✓			
Boettner, John "Si"	✓			
Rogers, J. Robert	✓			
Tomblin, Earl Ray				
Harman, C. N.				
Shaw, Michael				
TOTAL				

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Leg. Rule-Making Review Com.

DATE: Monday, September 27, 1985

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Ann Bailey	1012 Kan. Blvd.	CRA/Cabot	
Darnette Thomas	2106 Kan Blvd	Bd. of Registered Nurses	X
Zalki Zuffman	1033 Quarrens St. Chas	Licensed Practical Nurse	
Nancy R. Wilson	922 Quarrens St. Insole Chas	L. P. N. Board	
Tom M. Henderson	PO Box 1627, Parkersburg	W. Va. Assoc. of Land Surveyors	
F. Harry Sizoo	1784 Harrison	Elder's Successors	maybe
Rick A. Henderson	State Capitol	Sec of State	
Koop Perry	"	"	
Wyatt Hanna	State Capitol	DMV	
Lee Bechtold		DMV	
Frank Steyer	pine road	House of Delegates	
Orli Hubbard	Charleston	Col. Gen Trans.	
Tom Coleman	Charleston	Consol Gas. Trans. Corp.	
Mary Under	Chas.	WVNA	
D. Williams	"	State Police	
D.M. Gray	"	State Police	
J. Gray	"	State Police	

AMENDMENT

Legislative Rule-making Review Committee

Agency: West Virginia State Board of Examiners of Land Surveyors

Subject: Proposed rules and regulations governing the practice of land surveying

Senator/Delegate _____ moves to amend the proposed legislative rule on page 16, Section 13, by striking all of Section 13, and inserting in lieu thereof a new Section 13, to read as follows:

1 "13. Suspension or Revocation of License to Practice Land Surveying.

2 13.1 Upon a finding by the board that a person holding a
3 license to practice land surveying has been incompetent, grossly
4 negligent, or guilty of fraud, deceit or other misconduct in the
5 practice of land surveying as defined by these rules and regulations,
6 the board shall suspend or revoke such person's license. Whether one
7 or more violations of these rules and regulations constitutes a basis
8 for suspension or revocation shall be a question of fact to be
9 determined in each particular case.

10 13.2 As used in these rules and regulations:

11 "Incompetent" means lacking in ability, legal qualification,
12 or fitness to discharge a required duty.

13 "Grossly negligent" means intentionally failing to perform a
14 manifest duty in reckless disregard of the consequences as affecting
15 the life or property of another; such a gross want of care and regard
16 for the rights of others as to justify the presumption of wilfulness
17 and wantonness."

ADOPTED

REJECTED

AMENDMENT

Legislative Rule-making Review Committee

Agency: West Virginia State Board of Examiners of Land Surveyors

Subject: Proposed rules and regulations governing the practice of land surveying

Senator/Delegate _____ moves to amend the proposed legislative rule on page 7, Section 8.4, by striking all of Section 8.4, and inserting in lieu thereof a new Section 8.4, to read as follows:

1 "8.4.1 Bearings of new subdivision lot lines shall be from
2 the true (astronomic) meridian.

3 8.4.2 In accordance with the provisions of W.Va. Code, §37-
4 12-1, bearings of lines for lands which have been surveyed before
5 shall be by the magnetic meridian, but the surveyor making such survey
6 shall return and certify in his plat the degree of variation of the
7 magnetic needle from the true meridian, at the time of the resurvey;
8 and also (if the same can be done) the degree of such variation at the
9 time of the original survey.

10 8.4.3 If, during the 1986 regular session of the Legisla-
11 ture or at any time subsequent thereto, the Legislature amends the
12 applicable Code section or sections to authorize surveys other than
13 new subdivision lot lines to be from magnetic or true, then notwith-
14 standing the provisions of 8.4.2 above, this legislative rule shall be
15 construed, from the effective date of such amendment, to authorize
16 such surveys to be from magnetic or true, but if true, it shall be so
17 stated on the plat and in the description.

18 8.4.4 Grid north of the West Virginia Coordinate System may

1 be shown on plats.

2 8.4.5 Meridian reference used in surveys shall be identi-

3 fied by the date and year."

ADOPTED

REJECTED