

AUGUST

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

WEDNESDAY, AUGUST 28, 1985

9:00 - 11:00 P. M.

SENATE ROOM 265

1. Approval of minutes - July 9, 1985
2. REVIEW OF LEGISLATIVE RULES:
 - a. State Board of Examiners of Land Surveyors-Rules and Regulations Governing the Practice of Land Surveying.
 - b. Proposed rules and regulations governing approval of medical schools not accredited by the Liaison Committee on Medical Education.
 - c. 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.
 - d. Proposed rules and regulations setting up the Beef Industry Self-Improvement Assessment Program.
3. REVIEW OF EMERGENCY RULES:

Wednesday, August 28, 1985

9:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

(Code §29A-3-10)

Dan Tonkovich,
ex officio nonvoting member

Joseph P. Albright,
ex officio nonvoting member

Senate

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

House

Casey, Chairman
Knight
Schifano
Wiedebusch (absent)
Shaffer
Springston

Also present: Delegate Floyd R. Stiles

The meeting was called to order by Mr. Williams, Co-chairman.

The minutes of the July 9, 1985 meet were approved.

Mr. Williams called on the Committee Counsel, Mr. Mowery, to update the Committee on the legislative rules submitted by the Board of Examiners of Land Surveyors. Mr. Mowery told the Committee that the Board of Examiners of Land Surveyors had submitted a redraft of the proposed legislative rules but that the redraft does not address the problems set forth in the Committee's abstract.

Mr. Knight moved that the Committee lay over the Board of Examiners of Land Surveyors' proposed legislative rules until such time as the Board meets with counsel to resolve the conflict and reach a compromise, if and when that occurs.

Mr. Shaffer asked that those speakers who were present be allowed to address the Committee prior to the Committee's action on Mr. Knight's motion. Mr. Knight agreed to Mr. Shaffer's request and those present were given the opportunity to speak. At the conclusion of the speakers' presentations, Mr. Knight's motion was adopted.

Ms. Graham, Associate Counsel, told the Committee that Dr. David Heydinger, Secretary of the WV Board of Medicine, had called and requested that the legislative rules proposed by the Board of Medicine be laid over until the September meeting in order to give him a chance to review the proposed legislative rules with the Board.

Upon motion of Mr. Shaffer, properly seconded and adopted, the Committee laid over the Board of Medicine legislative rules until the September meeting.

Legislative Rule-Making Review Committee

August 28, 1985

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Mr. Mowery reviewed the proposed legislative rules which were submitted by the Tax Department 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. John Melton, Director of the Property Tax Division, responded to those problems which were pointed out in the abstract. Mr. Casey suggested, without objection, that the Tax Department contact Mr. Mowery and work on the proposed legislative rules and that the said rules be laid over until the next meeting of the Committee.

Ms. Graham reviewed the proposed legislative rules on the Beef Industry Self-Improvement Assessment Program.

Mr. Shaffer moved that the Committee approve the proposed legislative rules. Mr. Knight requested that Mr. William Gillespie, of the Department of Agriculture, respond to the problems which counsel found with the proposed legislative rules. Mr. Gillespie gave his response to the various objections. Mr. Casey stated that he felt action on the rules should be delayed until the next meeting in order that the problems could be worked out. He said he felt there would be no hardship on the program as the emergency rules are and would remain in effect.

Mr. Springston demanded a roll call vote on Mr. Shaffer's motion. The result of the roll call was: six Yeas: Williams, Boettner, Harman, Schifano, Shaffer, Springston; two Nays: Casey and Knight. The motion passed.

Mr. Mowery explained the form which staff had developed to be submitted by agencies along with their emergency rules. He explained that the form was developed at the request of the Committee in order to determine whether or not there was an actual emergency in existence requiring the promulgation of emergency rules. There being no objection, the form was approved.

A discussion followed regarding the difficulty the Committee staff has in obtaining the cooperation of some of the state agencies in working out problems with proposed legislative rules. Mr. Boettner suggested that staff develop guidelines for state agencies to follow in submitting proposed rules to the Committee. The staff was directed to prepare the guidelines for the September meeting.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: August 28, 1985

TIME: 9:00 am

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				

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule-Making Review Committee

DATE: Wednesday, August 28, 1985

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly <i>W. H. Gillespie</i>	<i>State Capital</i>	<i>Dept of Agric.</i>	X
<i>Mr. M. B. Mc Coy</i>	<i>Morgantown</i>	<i>Beef Cattle Board</i>	
<i>Don M. Stiles</i>	<i>Langwood way</i>	<i>Delegate Surveyor</i>	X
<i>Charles V. Eller</i>	<i>Moundsville</i>	<i>Surveyor</i>	
<i>Henry Lipe</i>	<i>Elkins</i>	<i>private surveyor</i>	X
<i>Koop Peery</i>	<i>St. Capitol</i>	<i>Secretary of State</i>	
<i>Tom Henderson</i>	<i>Parkersburg</i>	<i>WVA LS</i>	
<i>Carol Pullman</i>	<i>Backhouse</i>	<i>WV Farm Bureau</i>	
<i>Frank Gold</i>	<i>814 Va. ST. Charleston</i>	<i>State Tax Dept.</i>	
<i>Bob Hoffman</i>	<i>" " "</i>	<i>" "</i>	
<i>John MeTow</i>	<i>" " "</i>	<i>" "</i>	
<i>John Montgomery</i>	<i>Backhouse STATE CAPITAL BLDG</i>	<i>" "</i>	
<i>Linda J. Daugherty</i>	<i>Augusta, W.V.</i>	<i>Clerk / surveyor Board</i>	
<i>Judy Smith</i>	<i>State Capital</i>	<i>Health Department</i>	
<i>Orlin O. Hubbard</i>	<i>So. Charleston</i>	<i>Col. Gas. Trans.</i>	
<i>Ronny Ellis</i>	<i>Charleston</i>	<i>Cabinet Man</i>	
<i>Mary Angel</i>	<i>Chas.</i>	<i>WVNA</i>	

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 8-28-85

TIME: 9:00

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		✓		

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Roll call vote on Shaffer motion to approve
 Beef Producers rules and regs as submitted
 by the Board