

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

December 4, 1988 - 7:00 - 9:00 p.m.

COMMITTEE MEETING ROOM, M-438

Approval of Minutes - Meetings October 17, 1988,
1:00 and 5:00 p.m.

2. REVIEW OF LEGISLATIVE RULES:

- a. Board of Barbers & Beauticians - Curriculum and Minimum Requirements Subject and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License, Series I
- b. Board of Barbers & Beauticians - Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, Series II
- c. Board of Barbers & Beauticians - Operation of Barber Shops and Schools of Barbering, Series III
- d. Board of Barbers & Beauticians - Operation of Beauty Shops and Schools of Beauty Culture, Series IV
- e. Board of Barbers & Beauticians - Rules and Regulations for Licensing Schools of Barbering and Beauty Culture, Series V
- f. Board of Barbers & Beauticians - Minimum Curriculum for Schools of Barbering, Series VI
- g. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Jails (Passed during 1988 Regular Session)
- h. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Prisons

- i. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Holding Facilities
- j. Dept. of Corrections - Furlough programs for inmates under the custody and control of the Commissioner of the Department of Corrections
- k. Dept. of Corrections - Rules and Regulations governing parole supervision

Sunday, December 4, 1988

7:00 - 9:00 p.m.

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

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Tucker, Chairman
Boettner (Absent)
Holmes
Tomblin
Harman
Hylton

Knight, Chairman
Givens
Murphy
Pritt (Absent)
Burk
Faircloth

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

The minutes of the October 17, 1988, meetings were approved.

Debra Graham, Committee Counsel, updated the Committee regarding the status of the six rules proposed by the Board of Barbers and Beauticians. She stated that all of the rules had been previously modified and amended by the Committee and that an amendment by Mr. Burk was pending which would authorize beauticians to trim mustaches and beards. She told the Committee that the Board had been asked to consider the proposed amendment and report back to the Committee.

Ron Brown, Executive Director of the Board of Barbers and Beauticians, told the Committee that since the Board will be under a mandate to completely revise its rules within the next two years, the Board voted to not amend its rules regarding beard

and mustache trimming and instead to consider the issue when the rules are revised. Betty Dixon, Board member, and Nancy Smith, of the Little French Beauty School, also addressed the proposed rules.

Mr. Burk asked unanimous consent to withdraw his amendment. There being no objection, the amendment was withdrawn.

Mr. Holmes moved that the rules proposed by the Board of Barbers and Beauticians, Curriculum and Minimum Requirements Subject and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License, Series I; Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, Series II; Operation of Barber Shops and Schools of Barbering, Series III; Operation of Beauty Shops and Schools of Beauty Culture, Series IV; Rules and Regulations for Licensing Schools of Barbering and Beauty Culture, Series V; and Minimum Curriculum for Schools of Barbering, Series VI; be approved as modified and amended. The motion was adopted.

Ms. Graham told members of the Committee that they had a letter before them from William Whyte, Chairman of the Jail and Prison Standards Commission, stating that the rules proposed by the Commission, WV Minimum Standards for Construction, Operation and Maintenance of Prisons and WV Minimum Standards for Construction, Operation and Maintenance of Holding Facilities, were not in final form and requesting that the proposed rules be laid over until the Committee's January meeting.

Mr. Tucker informed the Committee that several persons were present desiring to speak to the proposed rules and asked that those persons be allowed to speak prior to the rules being laid over. Eugene Elkins, WV Association of Counties, and Thomas Stevens, WV Sheriff's Association, addressed the proposed rules.

Mr. Givens moved that the proposed rules as well as the rule WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Jails, previously passed by the 1988 Legislature, be laid over until the Committee's January meeting.

Mr. Faircloth moved to amend Mr. Givens' motion to require that the Co-Chairmen send a letter to Mr. Whyte emphasizing the need for the Commission to reach an agreement prior to the Committee's January meeting. He requested that the letter also state that if no agreement is reached the Committee will take action to amend the proposed rules on its own.

Mr. Givens accepted Mr. Boettner's amendment and his motion was adopted.

Mr. Tucker and Mr. Knight requested that Counsel send a copy of all rules pending after the Committee's December meetings, along with a copy of the minutes of the December meetings, to Governor Elect Gaston Caperton and Senator Lloyd Jackson. Counsel was also requested to draft an accompanying letter from the Chairmen requesting that the Governor Elect and Senator Jackson state their preference as to whether or not the current committee should continue consideration of the proposed rules

pending before it or if all proposed rules should be laid over pending reconstitution of the Committee following the changeover in administration.

Ms. Graham pointed out that there were no representatives of the Department of Corrections present to address the two remaining proposed rules. Mr. Tucker suggested the rules be considered since they were short and noncontroversial. Ms. Graham reviewed her abstract on the rule proposed by the Department of Corrections, Furlough programs for inmates under the custody and control of the Commissioner of the Department of Corrections. She stated that the Department had agreed to several technical modifications.

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

Mr. Murphy moved that the rule proposed by the Department of Corrections, Rules and Regulations governing parole supervision, be approved as modified.

Mr. Murphy moved to amend the proposed rule to require that a parolee submit to drug testing upon demand at any time during his parole. The motion was adopted. Mr. Knight requested to be recorded as voting "no".

Mr. Murphy restated his prior motion that the proposed rule be approved as modified and amended. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 12-4-88

TIME: 7:00 - 9:00 pm.

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.	✓			
Burk, Robert W., Jr.	✓			
Givens, Roy E.	✓			
Pritt, Charlotte				
Larry V. Faircloth	✓			
Murphy, Patrick H.	✓			
Tonkovich, Dan, President				
Tucker, Larry A.	✓			
Boettner, John "Si"				
Harman, C. N.	✓			
Holmes, Darrell E.	✓			
Hylton, Tracy W.	✓			
Tomblin, Earl Ray	✓			
TOTAL				

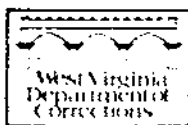
RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Rule Making Revised

DATE: December 4, 1988

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly James F. Higgins	264 Wood St	Capital City Beauty College	
Margaret Thomas	225 Hale St.	CAPITAL CITY Bty College	
Nancy Smith	3230 Cumberland @ Bluefield	Little Trench Bty Acad	X
Ray Howard	Charleston	Health Dept	—
Clinton Meloy	Clay, W.V.	Clay County Commission	
Jerry C. Bell	" "	Clay Elect " "	
Valence Douglas	Clay, W.V.	Clay Sheriff Dept	
Tom Stevens	405 Capitol St Charleston	WV Sheriff's Assn	
Beverly Thalman	1107 Main St Wheeling	Wheeling Barber College	possibly
Sonja Cooper	Charleston	Barbers & Beauts.	
Betty Dixon	Huntington, W.V.	Board Member Barber Beaut.	Yes
Norman Coleman	Charleston, W.V.	Club Beauty Sp.	
Gene Elkins	" "	WV Assoc of Counties	
Wayne Stachert	Bldg W.V.	WV State	



Office of the Commissioner

ARCHA. MOORE, Jr.
Governor

A.V. DODRILL, Jr.
Commissioner

112 CALIFORNIA AVE.
STATE CAPITOL COMPLEX
CHARLESTON, WEST VIRGINIA 25305

November 30, 1988

Ms. Marie Nickerson
West Virginia Legislature
Legislative Rule-Making Review Committee
Room M-438, State Capitol
Charleston, West Virginia 25305

Dear Ms. Nickerson:

Please be advised that discussions with various parties interested in certain revisions to both Jail and Holding Facility Standards are still taking place and, therefore, the documents are not at a stage appropriate for the Legislative Rule-Making Review Committee's consideration. As chair of the Jail and Prison Standards Commission, I have still to receive and then present the suggested revisions to my full committee for a vote before the various standards can again be said to be in "final" form. I request that Jail, Prison, and Hold Facility Standards be removed from the December 4, 1988 agenda of the Rule-Making Committee.

It is my belief that all of the desired revisions will be available to me within the week and that I can then schedule a Standards Commission meeting. If everything continues apace, revised standards should be available for submission to you in January.

I am sorry for this inconvenience, but everyone's satisfaction is probably more important than speed. Thank you for your continued assistance.

Sincerely yours,

William R. Whyte
Executive Assistant

WRW:dal

cc: Standard Commission Members

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Legislative Rule Making
Review Committee

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

December 5, 1988 - 1:00 - 3:00 p.m.

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meeting December 4, 1988
2. REVIEW OF LEGISLATIVE RULES:
 - a. Banking, Commission of - Subsidiary bank holding the stock of its parent holding company as collateral
 - b. Health, Dept. of - Volatile Synthetic Organic Chemicals
 - c. Natural Resources, Dept. of - Boating Regulations
 - d. Structural Barriers Compliance Board, Div. of Rehabilitation Services - Elimination of Structural Barriers in Public Building, Series I
 - f. Water Resources Board - Requirements Governing Water Quality Standards
 - g. Energy, Dept. of - Coal Refuse Disposal Regulations
 - h. Energy, Dept. of - WV Surface Mining Reclamation Regulations
 - i. Energy, Dept. of - WV Surface Mining Reclamation Regulations (Repealer)
 - j. Medicine, WV Board of - Board of Medicine Rules for Dispensing of Legend Drugs by Physicians and Podiatrists
 - k. Racing Commission - Thoroughbred, Series 1

- l. Tax, Dept. of - Solid Waste Assessment Fee
- m. Labor, Dept. of - Amusement Rides and Amusement Attractions Safety Act.
- n. Fire Commission, State - State Building Code
- o. Culture and History, Dept. of - Standards and Procedures for Administering State Historic Preservation Programs

3.

Other Business:

Monday, December 5, 1988

1:00 - 3:00 p.m.

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

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Tucker, Chairman
Boettner
Holmes
Tomblin
Harman
Hylton (absent)

Knight, Chairman
Givens
Murphy
Pritt (absent)
Burk
Faircloth

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

The minutes of the December 4, 1988, meeting were approved.

Mr. Givens moved that the rule proposed by the Water Resources Board, Requirements Governing Water Quality Standards and the rules proposed by the Department of Energy, Coal Refuse Disposal Regulations, WV Surface Mining Reclamation Regulations and WV Surface Mining Reclamation Regulations (Repealer) be laid over until the Committee's January meeting. The motion was adopted.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Department of Health, Volatile Synthetic Organic Chemicals, and told the Committee that the Department had agreed to several technical modifications. Don Kuntz and Kay

Howard of the Department of Health and Bob Foster of the WV Manufacturer's Association answered questions from the Committee.

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

Ms. Graham reviewed the rule proposed by the Department of Natural Resources, Boating Regulations. Dennis Treacy of the Department of Natural Resources spoke to the proposed rule.

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

Ms. Graham reviewed the rule proposed by the Structural Barriers Compliance Board, Division of Rehabilitation Services, Elimination of Structural Barriers in Public Buildings, Series I. She told the Committee that the Board had agreed to numerous technical modifications. She stated that the Board had also agreed to add language to the rule regarding exemptions in order that the proposed rule comply with the statute. Nancy Potter and Andy Boyd of the Structural Barriers Compliance Board answered questions from the Committee.

Mr. Murphy moved that the proposed rule be approved as modified.

Mr. Boettner moved to amend Mr. Murphy's motion to require that the Committee be given the opportunity to review the exemption language to be proposed by the Board and that if no further action is taken by the Committee, the proposed rule is approved. Mr. Murphy agreed to accept Mr. Boettner's amendment.

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

Mr. Tomblin moved that the rule proposed by the WV Board of Medicine, Board of Medicine Rules for Dispensing of Legend Drugs by Physicians and Podiatrists be laid over until the Committee's January meeting. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Racing Commission, Thoroughbred, Series I. Lois Graham, Executive Secretary of the Racing Commission, answered questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the Tax Department, Solid Waste Assessment Fee. She told the Committee that, in her opinion, the Department had exceeded the scope of its authority in several sections of the proposed rule and were touching on subjects under the authority of the Department of Natural Resources. She said that the Department had agreed to several technical modifications. Robert Wilson from the Tax Department and Dennis Treacy responded to Committee questions and agreed to modify the proposed rule to remove those sections which are beyond the Tax Department's scope of authority and promulgate them as Department of Natural Resources' rules.

Mr. Tucker moved that the proposed rule be approved as modified.

Mr. Murphy moved to amend the proposed rule to allow solid waste disposal facilities to either use scales on site or to use a conversion table. The motion was rejected.

Mr. Tucker's motion was adopted. Mr. Murphy and Mr. Faircloth requested to be recorded as voting "no".

Ms. Graham reviewed her abstract on the rule proposed by the Department of Labor, Amusement Rides and Amusement Attractions Safety Act, and told members of the Committee that the Department had agreed to several modifications. Andy Brown and William Hoffman of the Department of Labor answered questions from the Committee.

Mr. Murphy moved that the proposed rule be modified to make it clear that the rule covers both temporary and permanent facilities. The motion was adopted.

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

Ms. Graham reviewed the rule proposed by the State Fire Commission, State Building Code and told members of the Committee that the Commission had agreed to several modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the Department of Culture and History, Standards and Procedures for Administering State Historic Preservation Programs and told the Committee that the Department had agreed to several suggested modifications. Joyce Kilburn of the Department of Culture and History answered questions from the Committee.

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

Ms. Graham reviewed the rule proposed by the Commission of Banking, Subsidiary bank holding the stock of its parent holding company as collateral. She explained to the Committee that the Commission had modified the proposed rule to make it simpler and to make it conform more closely with the federal regulation. David Mundie and Lowell Greenwood from the Commission answered questions from the Committee. Tom Winner of the WV Bankers' Association spoke on the proposed rule.

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

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: December 5, 1988

TIME: 1:00-3:00 p.m.

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.	✓			
Burk, Robert W., Jr.	✓			
Givens, Roy E.	✓			
Pritt, Charlotte				
Larry V. Faircloth	✓			
Murphy, Patrick H.	✓			
Tonkovich, Dan, President				
Tucker, Larry A.				
Boettner, John "Si"	✓			
Harman, C. N.	✓			
Holmes, Darrell E.	✓			
Hylton, Tracy W.				
Tomblin, Earl Ray	✓			
TOTAL				

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Rule-Making Review

DATE: December 5, 1988 1:00-3:00 pm.

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Jan Taylor	1260 Greenbrier St.	Water Resources Board	
Jan Taylor	"	" " "	
Arnott B. Corley Jr.	State Capitol ^{Dept} EB64	State Fire Commission	respond to any question.
Nancy E. Potter	2 Bendcrest, Chas 25314	Structural Barriers Compliance Board	no
Lois GRAHAM	340 CAPITAL ST SUITE 310 340 CHARLESTON, WV	RACING Commission	
Joyce F. Kilborn	Cultural Center	Culture: History	respond to questions
Susan Pierce	"	"	
Bill Carmichael	Capitol Complex	Dept. of Labor	
Andy Bran	Capital Complex	Dept of Labor	
Rob Foster	Chas.	UCC	
Kay Dowal	Capitol Complex	Health Dept.	
Howell Greenwood	Capital Complex	Banking Commission	will ^{not} appear respond to question
David Mudge	" "	" "	" "
ROBERT B. WILSON		TAX DEPT	will respond to questions
Valli Hoffmann	1033 Quorum St.	LPN AWWA	
DAN KUNTZ	STATE CAPITOL	HEALTH DEPT.	
John Mahoney	"	Tax Dept	As needed
Judy Boy		Structural Barriers Compliance	