

June 24

AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

3:00 - 5:00 p.m., Sunday, June 25, 1990

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meeting May 20, 1990.
2. Review of Legislative Rules:
 - a. Racing Commission - Greyhound Rules
 - b. Division of Natural Resources - Assessment of Civil Administrative Penalties
 - c. WV Board of Examiners of Land Surveyors - Rules and Regulations for the Practice of Land Surveying in West Virginia
 - d. Division of Energy - Miscellaneous Water Pollution Control
 - e. WV Manufactured Housing Construction and Safety Board - Licensing; Fees; Standards; Complaint Handling; Sanctions; Recovery Fund; Designation of Board as State Administrative Agency Under the National Manufactured Housing Construction and Safety Standards Act of 1974
 - f. Division of Banking - General Administration: Acquisition of Bank Shares Interstate Issues
3. Other Business:

Sunday, June 24, 1990

3:00 - 4:00 p.m.

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

Keith Burdette
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Jackson, Chairman
Chafin (absent)
Manchin, J. (absent)
Tomblin (absent)
Wiedebusch
Warner (absent)

Murphy, Acting Chairman
Buchanan
Burk
Faircloth (absent)
Roop
Starcher

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

The minutes of the May 20, 1990, were approved.

Michael McThomas, Co-Counsel, told members of the Committee that the rule proposed by the Racing Commission, Greyhound Rules, had been laid over from the previous meeting because an agency representative had been unable to attend the meeting.

Ms. Starcher moved that the proposed rule be approved as modified. The motion was adopted.

Mr. McThomas explained that the rule proposed by the Division of Banking, General Administration: Acquisition of Bank Shares Interstate Issues, was in fact a procedural rule and that the Division of Banking had indicated the intent to withdraw the proposed rule and promulgate it as a procedural rule.

Mr. Murphy moved that the proposed rule lie over until the Committee's next meeting to give the Division of Banking sufficient time to withdraw the proposed rule. The motion was adopted.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the West Virginia Board of Land Surveyors, Rules and Regulations for the Practice of Land Surveying in West Virginia. She explained that the Board had agreed to several modifications. Bryant Bowman, representing Land Surveyors, addressed the Committee regarding the proposed rule.

Mr. Murphy moved that the proposed rule be modified to clarify that the examination fee is not to exceed the exact cost of the examination. The motion was adopted.

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

Mr. McThomas reviewed his abstract on the rule proposed by the Division of Energy, Miscellaneous Water Pollution Control, and stated that the Division had agreed to minor technical clean-up. Ted Streit, of the Division of Oil and Gas, Department of Energy, answered questions from the Committee.

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

Mr Jackson temporarily relinquished the Chair and asked to be excused from voting on the proposed rule due to a possible conflict of interest. Mr. Murphy excused Mr. Jackson from voting.

Mr. Roop's motion was adopted.

Ms. Graham explained that the rule proposed by the West Virginia Manufactured Housing Construction and Safety Board, Licensing; Fees; Standards; Complaint Handling; Sanctions; Recovery Fund; Designation of Board as State Administrative Agency Under the National Manufactured Housing Construction and Safety Standards Act of 1974, may need some modification and that the Board had not been able to meet to approve modifications prior to the Committee's meeting.

Mr. Roop moved that the proposed rule lie over until the Committee's next meeting. The motion was adopted.

Mr. McThomas explained that the rule proposed by the Division of Natural Resources, Assessment of Civil Administrative Penalties, had been laid over from the previous meeting and he reviewed those issues raised by the West Virginia Manufacturers Association. David Yaussy, representing West Virginia Manufacturers Association, addressed the Committee regarding the proposed rule and answered questions. Mike Dorsey from the Division of Natural Resources also answered questions.

Mr. Buchanan moved that the proposed rule be modified to disallow the Director the ability to increase penalty assessments. The motion was adopted.

Mr. Buchanan moved that the proposed rule be modified to incorporate two new matrices regarding penalty assessments. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: June 25, 1990

TIME: 3:00 - ^{4:00} 5:00 p.m.

<u>NAME</u>	<u>Present</u>	<u>Absent</u>	<u>Yeas</u>	<u>Nays</u>
Chambers, Robert "Chuck", Speaker				
Murphy, Patrick H, Co-Chair	✓			
Buchanan, Michael	✓			
Burk, Robert W., Jr.	✓			
Faircloth, Larry V.		✓		
Roop, Jack	✓			
Starcher, Virginia	✓			
Burdette, Keith, President				
Jackson, Lloyd, II, Co-Chair	✓			
Chafin, Truman H.		✓		
Manchin, Joe, III		✓		
Tomblin, Earl Ray		✓		
Warner, George		✓		
Wiedebusch, Larry	✓			
TOTAL	7	5		

RE: _____

