

FEBRUARY 10

Tuesday, February 11, 1997

9:00 a.m.-11:00 a.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss
ex officio nonvoting member

Senate

House

Ross, Chairman
Anderson, Vice Chairman
Bowman
Boley
Buckalew
Macnaughtan (Absent)

Douglas, Chairman
Linch, Vice Chairman
Compton
Faircloth
Riggs

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

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Department of Health and Human Resources, Emergency Medical Services, and stated that the Department has agreed to technical modifications. Kay Howard, representing the Department, Paul Seaman, EMS Coalition, and Dale Clayton, West Virginia Fire Chiefs Commission, responded to questions from the Committee. Ms. Howard distributed proposed modifications to the proposed rule that would make the proposed rule palatable to all interested parties.

Mr. Linch moved that the proposed modifications be approved. The motion was adopted.

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

Ms. Graham reviewed her abstract on the rule proposed by the Board of Medicine, Formation and Approval of Professional Limited Liability Companies, and stated that the Board has agreed to technical modifications. Deborah Roedecker, Counsel to the Board of Medicine, answered questions from the Committee.

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

Rita Pauley, Associate Counsel, explained the rule proposed by the Insurance Commissioner, Medicare Supplement Insurance, and stated that the Commissioner has agreed to technical modifications. Donna Quesenberry, Associate Counsel to the Commissioner, responded to questions from the Committee.

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

Mr. Faircloth updated the other members of the Committee on what had transpired since the Committee's last meeting regarding the Department of Health and Human Resources rule relating to septic tank systems. Dr. Henry Taylor, Commissioner, Bureau for Public Health, addressed the Committee and answered questions regarding the rule.

Mr. Faircloth moved that Committee send a letter to the Secretary of State requesting that he approve an emergency rule filing from the Department of Health and Human Resources on Septic Tank Systems. The motion was adopted.

Ms. Pauley reviewed her abstract on the rule proposed by the Insurance Commissioner, Valuation of Life Insurance Policies, and stated that the Commissioner has agreed to technical modifications. She responded to questions from the Committee.

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

Ms. Pauley explained the rule proposed by the Insurance Commissioner, Diabetes Regulation, and stated that although the Commissioner has agreed to technical modifications she is of the opinion that the proposed rule is unnecessary.

Mr. Buckalew moved that the Committee request that the proposed rule be withdrawn. After Ms. Quesenberry answered questions from the Committee, Mr. Buckalew asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

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

Ms. Pauley reviewed her abstract on the rule proposed by the Insurance Commissioner, Emergency Medical Services, and stated that the Commissioner has agreed to technical modifications.

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

Ms. Pauley explained the rule proposed by the Insurance Commissioner, Utilization Management, and stated that the Commissioner has agreed to technical modifications. Ms. Quesenberry responded to questions from the Committee.

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

Ms. Pauley reviewed her abstract on the rule proposed by the Insurance Commissioner, Replacement of Life Insurance, and stated that the Commissioner has agreed to technical modifications. She responded to questions from the Committee.

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

Joe Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the Division of Environmental Protection, Voluntary Remediation and Redevelopment Rule, and stated that the Division has agreed to technical modifications. He responded to questions from the Committee.

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

Mr. Ross reminded members of the Committee that all of their names will be placed on the bills of authorization as sponsors unless they specifically notify the Committee's staff otherwise.

The meeting was adjourned.

PROPOSAL ON CHANGE TO PROPOSED EMS RULE 64 CSR 48

1. Insert EMSA-FR in definition 2.6 as an EMS-P which can perform Basic Life Support along with EMT-B, EMSA-LPN, etc.
2. Insert a definition to include:
 - a. Recognized Fire Department - Any organization established for the purposes of providing fire suppression, fire protection and other related activities recognized by the West Virginia State Fire Commission.
 - b. Fire Department Rapid Response Service - A recognized fire department that is licensed or temporarily licensed as an EMS agency to provide Rapid Response - BLS or Rapid Response - ALS service as indicated in this rule.
3. Delete paragraph 3.7.b. and proposed paragraph 3.7.b.
4. Insert a paragraph after 6.1 to read as follows:

The commissioner shall issue a temporary license from passage through June 30, 2000 for EMS agencies such as, but not limited to, recognized fire departments seeking licensure as Rapid Response - BLS or Rapid Response - ALS service provided the fire department rapid response service does not charge a fee for services rendered. This does not preclude any EMS agency from seeking full licensure to include fees and inspections. The EMS agency will be issued a temporary license at no cost to the agency provided the agency complies with application and documentation requirements of activities and practices as noted in Section 64-48-3, 64-48-4, 64-48-5, and 64-48-6 of these rules.

5. (Insert language in 5.1 as indicated in the fire communities proposed changes to the proposed rule.)

Fire department rapid response organizations shall meet those standards specifically identified herein as noted: 64-48-5.3.a. - Off-Line Medical Direction; 64-48-5.3.c. - Quality Assurance; 64-48-5.4 - Communications; 64-48-5.5 - Rapid Response; 64-48-5.6. - Disaster Capability; 64-48-5.8. - Personnel; 64-48-5.9. - Training; 64-48-5-11.c. - Facilities; 64-48-5.11.d. - Equipment; 64-48-5.11.e. - Supplies; 64-48-5.12.b. - Mission and Organization; and 64-48-5.12.c. - Management Training.



DIVISION OF ENVIRONMENTAL PROTECTION

CECIL H. UNDERWOOD
GOVERNOR

1356 Hansford Street
Charleston, WV 25301-1401

LAIDLEY ELI MCCOY, Ph.D.
DIRECTOR

February 7, 1997

Senator Michael Ross
Delegate Mark Hunt
West Virginia Legislature
State Capitol
Charleston, West Virginia 25305

Dear Senator Ross and Delegate Hunt:

I am pleased to report to you that on February 5, 1997, the Division of Environmental Protection (DEP) filed the Agency Approval of the Voluntary Remediation and Revelopment Rule. As you are probably aware, a Steering Committee consisting of representatives from 23 interest groups achieved consensus on the rule language.

The development of the VRRRA rule in just six months is an extraordinary accomplishment and is the result of the tremendous effort and dedication put forth by the Steering Committee members. Because of the nature of this rule, we were not able to meet the deadlines for submitting the rule to the Legislative Rulemaking Review Committee. In order to meet the legislative intent of submitting this rule in 1997, I respectfully request that the Legislative Rulemaking Review Committee make an exception to the filing deadline and take up consideration of the VRRRA rule during the upcoming legislative session.

Thank you for considering this request. Please call me at 759-0515 if I can be of any further assistance.

Sincerely,

Laidley Eli McCoy, Ph.D.
Director

LEMc/kel

*Distributed to Committee
by Joe Altizer
2/11/97*

Agenda

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Tuesday, February 11, 1997
9:00 a.m. to 11:00 a.m.

Senate Finance Committee Room M-451

1. **Approval of Minutes - Meeting: February 10, 1997**
2. **Review of Legislative Rules:**
 - a. Board of Medicine
Formation and Approval of Professional Limited Liability Companies
 - b. Insurance Commissioner
Medicare Supplement Insurance
 - c. Insurance Commissioner
Valuation of Life Insurance Policies
 - d. Insurance Commissioner
Diabetes Regulation
 - e. Department of Health and Human Resources
Division of Health
Emergency Medical Services
 - f. Insurance Commissioner
Emergency Medical Services
 - g. Insurance Commissioner
Utilization Management
 - h. Insurance Commissioner
Replacement of Life Insurance
 - i. Environmental Protection, Dept. of
Voluntary Remediation and Redevelopment Rule

(over)

3. **Other Business**

- a. Dr. Henry Taylor, Commissioner, Bureau for Public Health and representatives of his staff:
Will respond to questions regarding Department of Health and Human Resources rules for county Health Departments regarding approval of septic tank systems.

Agenda

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Tuesday, February 11, 1997
9:00 a.m. to 11:00 a.m.

Senate Finance Committee Room M-451

1. **Approval of Minutes - Meeting: February 10, 1997**
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Diabetes Regulation
 - e. Department of Health and Human Resources
Division of Health
Emergency Medical Services
 - f. Insurance Commissioner
Emergency Medical Services
 - g. Insurance Commissioner
Utilization Management
 - h. Insurance Commissioner
Replacement of Life Insurance
 - i. Environmental Protection, Dept. of
Voluntary Remediation and Redevelopment Rule

(over)

3. Other Business

- a. Dr. Henry Taylor, Commissioner, Bureau for Public Health and representatives of his staff:
Will respond to questions regarding Department of Health and Human Resources rules for county Health Departments regarding approval of septic tank systems.

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative, Rule-Making Review

Date Tues., February 11, 1997

Please print or write plainly.

| NAME | ADDRESS | REPRESENTING | Please check (X) if you desire to make a statement. |
|--------------------|---|-----------------------------|---|
| Cheri Montgomery | P.O. Box 1946 | WV Nurses Assoc | |
| Mark S. Kelly | 1411 Virginia St West | WV Office of RMS | |
| William Ramsey m | Rt. 1 Box 7C, Bruce ^{WV} Mills ₆₃₂₈ | WV OEMS | ✓ |
| Kelly L. Blackwell | P.O. Box 175 ^{WV} Braxton | WV Professional Fire Chiefs | |
| Dale L. Clayton | Rt 3 Box 431 Fairmont ^{WV} | WV State Fire Chiefs Assn | |
| John Ashcraft | 507 South Chester St New Cumberland ^{WV} | WV State Fireman Assn | |
| James M. Beckwith | #9 Southlake Dr Parkersburg | WV Prof. Fire Chiefs | |
| BILL ADAMS | 10 McJunkin Rd Netus | WV DEP | |
| Ken Ellison | 1356 Hensford St | WV DEP | |
| Kay Howard | Charleston | WV DHR | If needed |

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review
Please print or write plainly.

Date: Tues, February 11, 1997

| NAME | ADDRESS | REPRESENTING | Please check (X) if you desire to make a statement. |
|-----------------|---|--------------------------------|---|
| Henry Taylor | Capitol Complex Bldg 3 rd St | Bureau for Public Health | if needed |
| Roger E. Bryant | 2642 Main Ave. Logan | WV EMS. COALITION | if needed |
| Paul Samann | 900 Front Beckley | WV EMS Coalition East Virginia | if needed |
| Mary Anderson | 1423 Grove St., Mt. Airy WV | League of Women Voters | |
| Bill Spencer | 465 W. Main Clarksville | W.V.A. P.F.C. Ass | |
| Wm. H. Hester | Blount | WVA Play Club | |
| B. J. Pugh | 2001 Queen St. Cl... | WV WMA - CIC | |
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FEBRUARY INTERIM SCHEDULE
Legislative Interim Meetings
February 9, 10 and 11, 1997

Tuesday, February 11, 1997

9:00 - 11:00 a.m.

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

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair

Douglas, Chair

Anderson
Macnaughtan

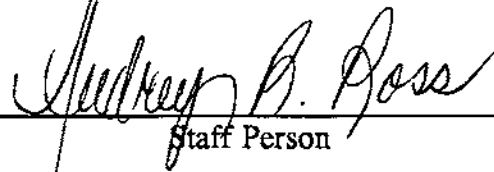
Linch, Vice Chair
Compton

Boley
Buckalew

Faircloth
Riggs

Bauman

I certify that the attendance as noted above
Is correct.



Staff Person

Health - EMS

Counsel explained

Modifications dist'd

Kay Howard responded to q

Paul Seamon - EMS Coalition - resp. to q's

Dale Clayton - ' - vol org can live w/.

Approved as mod.

Lynch
adoptedDouglas
adoptedBd of Med - Limited Liability

Deborah Proedcker, Bd of Med.

Approve as mod

Douglas
adoptedIns - Medicare

Pita explained

Donna Quesanberry ~~Assoc C~~ resp. to question

Approve as mod

Douglas

Septic Tank SystemsFaircloth updated as to what happened in the past couple of weeks. Dept ready to file rule changes ~~as~~ as an emerg rule.LHM
Dr Taylor addressed the C & responded to q
SOS - approve as emerg ruleFaircloth
adoptedInsurance - Valuation

Pita explained & responded to q.

Approve as mod - adopted

Compton

Ins - Diabetes

Rita explained - do not need
Buckalew Agency withdraw
Donna Quesonbury responded to q
Buckalew withdrew motion
Douglas Approve as mod
adopted

Ins - EMS

Rita explained & responded to questions
Douglas Approve as mod
adopted

Ins - Utilization Mgt

Rita explained
Quesonbury - responded to a
Douglas Approve as mod
adopted

Ins - Replacement

Rita explained & responded to q
Douglas Approve as mod
adopted

DEP - Voluntary Remed

Joe explained the proposed rule & ans'd questions
Buckalew Approve as mod
Adopted

Chairman Koss called meeting to order at 9:22 a.m.
No meeting minutes were available for 2/10 meeting

E

Department of Health and Human Resources - Division of Health
Emergency Medical Services

2/11/97
DAG

Order on Agenda:

1

Counsel:

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Rule approved as modified
Agency agreed to accept the rule

- 2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

- 3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

- 4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

- 5. Recommends that the rule be withdrawn. Reason for withdrawal:

- 6. Moved to next interim meeting agenda (No action)

Kay Howard

Q:

Private carriers: Paul Seaman - EMS Coalition
Questions about fees standard across the board.
Fire Departments - Dale Clayton, NV Fire Chief's
Commission

Modifications approved.

no

M.

Board of Medicine
Formation and Approval of Professional Limited Liability Companies

Order on Agenda: 2

Counsel: DAG

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Douglas -
move rule as modified

- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation. _____

- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation _____

- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation. _____

- 5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

- 6. Moved to next interim meeting agenda (No action) _____

Deborah Redecker - representing agency.

N. 43
Insurance Commissioner
Medical Supplement Insurance

Order on Agenda:

3

Counsel:

RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

Move the rule as modified

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

*Donna Quesenberry - Asst. ^{ociate} Counsel - Insurance
Commissioner*

Over

Item 4

Other Business: 3

Dr. Taylor

Accountability

Will file an emergency rule.

NE & ^{letter} 701 S/ST office know that
this Rule is going to be sent as an Emergency Rule.

0, Insurance Commissioner
Valuation of Life Insurance Policies

Order on Agenda:

5

Counsel:

RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

move rule as modified

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

p. Insurance Commissioner *New rule*
Diabetes Regulation

Order on Agenda: 6

Counsel: _____

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Move rule as modified

- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation. _____

- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation _____

- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation. _____

- 5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

- 6. Moved to next interim meeting agenda (No action) _____

WV Code 33.15.c.1 } *Donna Quisenberry -*
Dept of Health

Buckalew - motion to withdraw rule

^{Compton}
Withdrawn motion to withdraw rule.

g.

Insurance Commissioner
Emergency Medical Services

Order on Agenda:

7

Counsel:

RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Douglas
Morelas modified
agency - 5 re of mod. as recommended

2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation. _____

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation _____

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation. _____

5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

6. Moved to next interim meeting agenda (No action) _____

Q. of Council

Q. Compton

r. Insurance Commissioner
Utilization Management

Order on Agenda: B

Counsel: RAP

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Douglas

Move rule as modified
Agency - sent to all mods.

- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation.

- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation

- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation.

- 5. Recommends that the rule be withdrawn. Reason for withdrawal:

- 6. Moved to next interim meeting agenda (No action)

Q: Donna Quisenberry - Assoc. Council

Quality Assurance Regulation
and Utilization Management

5. Insurance Commissioner
Replacement of Life Insurance

Order on Agenda:

9

Counsel:

RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

Douglas - motion to move rule as modified

Agency agrees to all mods

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

Q: Sen Buekalu

"Brownfields Rule"

R.

Environmental Protection, Dept. of
Voluntary Remediation and Redevelopment Rule

Order on Agenda: 10

Counsel: JAA

<Action Taken:>

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Backhaus move the rule
as modified
Agency in agreement of all modifications

- 2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.
-
-
-
-

- 3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation
-
-
-
-

- 4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.
-
-
-
-

- 5. Recommends that the rule be withdrawn. Reason for withdrawal:
-
-
-
-

- 6. Moved to next interim meeting agenda (No action)

Senator Anderson moved the adjourn 10:45 a.m.

FEBRUARY 11

Monday, February 10, 1997

9:00 a.m. to 12:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss
ex officio nonvoting member

Senate

House

Ross, Chairman
Anderson, Vice Chairman
Boley
Buckalew (Absent)
Mcnaughtan (Absent)

Douglas, Chairman
Linch, Vice Chairman
Compton
Faircloth
Riggs

The meeting was called to order by Ms. Douglas, Co-Chairman.

The minutes of the January 6, 1997, meeting were approved.

Debra Graham, Committee Counsel, explained that the rule proposed by the Division of Labor, Manufactured Housing Construction and Safety Standards, had been placed at the foot of the agenda at the Committee's January meeting and that no action was taken on the proposed rule. Chris Quaesbarth, Deputy Commissioner of Labor, told the Committee that the Division had been unable to reach a compromise with the Manufactured Housing Association. He responded to questions from the Committee. Leff Moore, West Virginia Manufactured Housing Association, gave the Committee some background on the proposed rule and answered questions from the Committee.

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

Joe Altizer, Associate Counsel, explained that the rule proposed by the Governor's Committee on Crime, Delinquency and Correction, Basic Training Academy, Annual In-Service and Biennial In-Service Training Standards, had been placed at the foot of the agenda at the Committee's January meeting and that no action was taken on the proposed rule. He informed the Committee that the Governor's Committee would agree to a modification to the proposed rule to reinsert Subsection 3.15 which requires the State Police Academy to pay for the cost of the ammunition for law enforcement officers who attend the Academy.

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

Mr. Altizer reviewed his abstract on the rule proposed by the Department of Health and Human Resources, Child Support Enforcement Division, Interstate Income Withholding and stated that the Department has agreed to technical modifications.

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

Mr. Altizer explained the rule proposed by the Department of Health and Human Resources, Child Support Enforcement Division, Obtaining Support From Federal and State Income Tax Refunds, and stated that the Department has agreed to technical modifications.

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

Mr. Ross informed the Committee the rule proposed by the State Tax Division, Charitable Raffles, had been moved to the foot of today's agenda.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the Family Protection Services Board, Operation of Family Protection Services Board and Licensure and Funding of Domestic Violence Programs, and stated that the Board has agreed to technical modifications. Ms Pauley responded to questions from the Committee.

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

Mr Altizer explained the rule proposed by the Division of Environmental Protection, Surface Mining Reclamation Regulations, and stated that the Division has proposed modifications to the proposed rule because the agency approved rule exceeded the scope of the Division's Authority. Mr. Altizer told the Committee that he has additional technical modifications to suggest to which the Division has agreed. John Ailes, Chief of the Office of Surface Mining and Reclamation, responded to questions from the Committee. K. O. Damron, Vice President of WV Mining and Reclamation Association, answered questions from the Committee.

Mr. Riggs moved that the Committee modify Section 14.15.d of the proposed rule by deleting the following: "Provided: such operations will not be eligible for incremental bonding." The motion was adopted.

Mr. Riggs moved that the Committee modify Section 14.15.f of the proposed rule by striking the following: "The bond required for the acreage associated with the variance requested shall be five thousand (\$5,000) per acre or fraction thereof." The motion was adopted.

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

Ms. Graham reviewed her abstract on the rule proposed by the State Tax Division, Charitable Raffles, and stated that the Division has agreed to technical modifications. John Montgomery, State Tax Division, responded to questions from the Committee and stated that the Division would agree to the modification to be proposed by the Club Association. Cody Starcher and Mary Lou Clark, the Club Association, distributed proposed modifications to the proposed rule and also requested that the Committee approve a modification to the proposed rule which would add a new Subdivision 12.2.4. The new subdivision would allow a licensee to pay up to fifteen operators when a charitable raffle occasion is held in conjunction with a charitable super bingo occasion.

Mr. Ross moved that the Committee approve the modifications proposed by the Club Association. The motion was adopted.

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

Ms. Graham reviewed her abstract on the rule proposed by the Board of Pharmacy, Registration of Pharmacy Technicians, and stated that the Board has agreed to technical modifications. She responded to questions from the Committee. William Douglas, Executive Director of the Board, answered questions from the Committee.

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

Ms. Pauley explained that the rule proposed by the Department of Health and Human Resources, Residential Board and Care Homes, had been reviewed at the Committee's January meeting and then laid over to allow the Committee additional time to consider the proposed rule. She stated that the Department has agreed to modifications to the proposed rule and answered questions from the Committee. Kay Howard and Sandra Daubman, representing the Department, responded to questions from the Committee.

Mr. Ross 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 Health and Human Resources, Nursing Home Licensure, and stated that the Department has agreed to technical modifications. Ms. Howard answered questions from the Committee.

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

Mr. Ross requested that the Committee consider action on a current legislative rule of the Cable Television Advisory Board, Calculation and Collection of Late Fees. He stated that Subdivision 3.1.b of the rule cannot be implemented by the cable companies. Mark Polen, West Virginia Cable Television Association, requested that the Committee draft a bill for submission to the Legislature, directing the Board to amend the legislative rule.

Mr. Ross moved that the Committee draft and recommend a bill to the Legislature directing the Board to amend its legislative rule by rewriting Section 3 to delete the provisions of Subdivision 3.1.b. The motion was adopted.

Ms. Douglas told the members of the Committee that it has been the policy of the Committee to place the names of all of the members of the Committee on the bills of authorization introduced in their respective houses. A committee member who does not want to sponsor a particular bill must specifically tell the Committee's counsel to not put his or her name on the bill.

Mr. Ross moved that the Committee direct its staff to draft the bills of authorization and to cause them to be introduced in both houses with all of the members of the Committee as sponsors in their respective houses, unless a member specifically requests that he or she not sponsor a particular bill. The motion was adopted.

The meeting was adjourned.

COMMENTS FROM K.O. DAMRON, WEST VIRGINIA MINING & RECLAMATION ASSOCIATION TO THE PROPOSED "SURFACE MINING RECLAMATION REGULATIONS"

Other than a number of minor typographical errors in the Briefing Document for this proposed rule, we have found to date only three sections with which we object, they are:

38-2-3-14.15.d (page 8 of "briefing document")

The coal industry objects to the last sentence of the new language in the last paragraph of this section, which reads: "Provided: such operations will not be eligible for incremental bonding." We therefore recommend this language be deleted out of the rule.

Our objection: This is new language that has not been agreed upon with the coal industry. There is no relationship between the process known as "contemporaneous reclamation" and the bonding method called "incremental bonding." Further, there is no basis for this burdensome requirement in either state or federal statute. When the Legislature changed the bonds for coal mining reclamation from a flat \$1,000 per acre to \$1,000 - \$5,000 per acre there was to be flexibility in the application of such larger bonds. This proposed language discontinues that flexibility and fixes the bonding rate on contemporaneous reclamation sites at the highest amount possible (\$5,000 per acre).

38-2-3-14.15.f (page 9 of "briefing document")

The coal industry objects to the entire new section, which reads: "The bond required for the acreage associated with the variance requested shall be five thousand (\$5,000) per acre or fraction thereof." We therefore recommend this language be deleted out of the rule.

Our objection: This is new language that has not been agreed upon with the coal industry. There is no relationship between the granting of a "variance" by the Director and the raising of the bonding amount to a flat \$5,000 per acre. Further, there is no basis for this burdensome requirement in either state or federal statute. When the Legislature changed the bonds for coal mining reclamation from a flat \$1,000 per acre to \$1,000 - \$5,000 per acre there was to be flexibility in the application of such larger bonds. This proposed language discontinues that flexibility and fixes the bonding rate on permitted sites that have been granted a variance at the highest amount possible (\$5,000 per acre).

38-2-3-16.2.c.4. (pages 10-11 of "briefing document")

Defer until later

The coal industry objects to the last sentence in the section, which reads: "If extended beyond 90 days, as part of the remedial measures, the permittee shall post an escrow bond to cover the estimated costs of repairs." We therefore recommend this language be deleted out of the rule.

Our objection: This is new language that has not been agreed upon with the coal industry. This is a burdensome and unnecessary requirement. There is no basis for this burdensome requirement in either state or federal statute.

*Distributed to
Committee 2/10/97
by Joe Altizer*

Club Association of West Virginia

MaryLou Clark, President
P.O. Box 984
Moundsville, WV 26041
Telephone 800-844-2781 Fax 304-845-2781

John Caudill, V. President - 675-4167
Patty King, Secretary - 387-2407
Carol Ryan, Financial Secretary - 843-9716
Rich Erlewine, Sgt. of Arms - 455-4260

October 21, 1996

RECEIVED

FEB 3 1997

Legislative Rule Making
Review Committee

Mark Morton
Special Counsel to the Commissioner
WV Department of Tax and Revenue
1001 Lee Street
Charleston, WV 25143

re: WV Legislative Rule on Charitable Raffle
Title 110, Series 37

Dear Mr. Morton,

We have been reviewing the proposed rules for charitable raffle, which were filed on August 16th, 1996. There are a few sections which I feel are incorrect and need to be amended in order to coincide with the WV Code and with the intent of the Legislature.

Page 4, Sec. 110-37-2.1.6 *...In no case is the sale or the consumption of alcoholic beverages, beer or nonintoxicating beer permitted in any area where raffle or a raffle occasion is being held.* This idea is also continued in the following sections clarifying the term area and on page 14, Sec. 110-37-10.3. As charitable raffle is a lawful activity, as allowed by W. Va. Code Section 47-21-1 et seq., and there is no prohibition in this section concerning the sale or consumption of alcoholic beverages or of beer, we feel that this portion of the proposed rule should be deleted. I do not believe it was the intent of the Legislature to deny all the fraternal orders in the state the privilege of running charitable raffle in their club rooms.

Page 6, Sec. 110-2.1.14 *...the selling of "tip boards" and "pull tabs" may only occur in conjunction with a charitable raffle occasion...or a charitable bingo occasion...* The selling of these is already regulated under Chapter 47-23-1 et seq. of the WV Code and I feel that this section gives the impression that it is all right to sell these items at a charitable bingo occasion, regardless of whether a charitable raffle occasion is being held.

There is also a problem which I hope can be solved in the writing of these regulations. Somehow, in the drafting of the Charitable Bingo and Raffle bill last year, the matter of how many raffle operators can be paid when a raffle is held in conjunction with a Super Bingo occasion, was not addressed. I believe it was agreed that 15 would be an appropriate number for those circumstances and am hopeful that this oversight can be corrected with the passage of these rules.

Yours very truly,

MaryLou Clark
President

mlc
cc: file

*Distributed to Committee
by Debra Graham
2/10/97*

Preliminary Agenda

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, February 10, 1997

9:00 a.m. to 12:00 noon

and

Tuesday, February 11, 1997

9:00 a.m. to 11:00 a.m.

Senate Finance Committee Room M-451

1. Approval of Minutes - Meeting: January 6, 1997
2. Review of Legislative Rules:
 - a. Division of Labor
Manufactured Housing Construction and Safety Standards
 - b. Governor's Committee on Crime, Delinquency and Correction
Basic Training Academy, Annual In-Service and Biennial In-Service Training Standards
 - c. Department of Health and Human Resources
Residential Board and Care Homes
 - d. Department of Health and Human Resources
Division of Health
Nursing Home Licensure
 - e. Department of Health and Human Resources
Division of Health
Emergency Medical Services
 - f. Department of Health and Human Resources
Child Support Enforcement Division
Interstate Income Withholding
 - g. Department of Health and Human Resources
Child Support Enforcement Division
Obtaining Support from Federal and State Income Tax Refunds

- h. Tax Division, State of WV
Charitable Raffles
- i. Family Protection Services Board
Operation of Family Protection Services Board and Licensure and Funding of Domestic Violence Programs
- j. Division of Environmental Protection, Mining and Reclamation
Surface Mining Reclamation Regulations
- k. Environmental Protection, Dept. of
Voluntary Remediation and Redevelopment Rule
- l. WV Board of Pharmacy
Registration of Pharmacy Technicians
- m. Board of Medicine
Formation and Approval of Professional Limited Liability Companies
- n. Insurance Commissioner
Medicare Supplement Insurance
- o. Insurance Commissioner
Valuation of Life Insurance Policies
- p. Insurance Commissioner
Diabetes Regulation
- q. Insurance Commissioner
Emergency Medical Services
- r. Insurance Commissioner
Utilization Management
- s. Insurance Commissioner
Replacement of Life Insurance

3. Other Business

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review
Please print or write plainly.

Date Mon., February 10, 1997

| NAME | ADDRESS | REPRESENTING | Please check (X) if you desire to make a statement. |
|--------------------|------------------------|---|---|
| Wileen Chung | Bldg 6, Room B-850 | Pam. Prot. Serv. Bd. | |
| Donald M. Davidson | 1204 Kan. Blvd. E. | BCCDE | |
| CHRIS QUASEBARTH | Bldg 3, Rm 319 | STATE OF WV MANUFACTURED HOUSING BOARD | X |
| Allen Archibald | PO Box 50540, 25305 | Insurance Commissioner | |
| Jack Albert | Belle, WV | AARP | |
| Russ Hunter | 10 Melvin Dr. Nitro WV | WUDEP - OMR | |
| Kay Howard | Charleston | DHHR | As needed |
| John Matzowicz | Charleston | Tax & Revenue | As needed |
| D. L. D. M. | 232 Capitol St. | WV Bd. of Pharmacy | As needed |
| Brenda Fay | 2001 Queen St | WV MIA | |

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review
Please print or write plainly.

Date Mon, February 10, 1997

| NAME | ADDRESS | REPRESENTING | Please check (X) if you desire to make a statement. |
|--------------|------------|--|---|
| K.O. DAMRON | Charleston | WV Mining & Reclamation ^{A-250} | ✓ |
| John Ailes | Nitro | WV DBP | Mining Regs |
| Randy Dawson | Charleston | OFFICIAL | ✓ |
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Surface Mining Regs

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review
Please print or write plainly.

Date February 10, 1997

| NAME | ADDRESS | REPRESENTING | Please check (X) if you desire to make a statement. |
|------------------|---------|--------------|--|
| Charles S Long | | DEP - OMR | |
| George W. Smith | | DEP - CPAS | |
| Charles H. Jones | Charm | WVPA | |
| Marylou CLARK | | Club Assoc. | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Agenda

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, February 10, 1997

9:00 a.m. to 12:00 noon

and

Tuesday, February 11, 1997

9:00 a.m. to 11:00 a.m.

Senate Finance Committee Room M-451

1. **Approval of Minutes - Meeting: January 6, 1997**
2. **Review of Legislative Rules:**
 - a. **Division of Labor**
Manufactured Housing Construction and Safety Standards
 - b. **Governor's Committee on Crime, Delinquency and Correction**
Basic Training Academy, Annual In-Service and Biennial In-Service Training Standards
 - c. **Department of Health and Human Resources**
Residential Board and Care Homes
 - d. **Department of Health and Human Resources**
Division of Health
Nursing Home Licensure
 - e. **Department of Health and Human Resources**
Division of Health
Emergency Medical Services
 - f. **Department of Health and Human Resources**
Child Support Enforcement Division
Interstate Income Withholding
 - g. **Department of Health and Human Resources**
Child Support Enforcement Division
Obtaining Support from Federal and State Income Tax Refunds

- h. Tax Division, State of WV
Charitable Raffles
- i. Family Protection Services Board
Operation of Family Protection Services Board and Licensure and Funding of Domestic Violence Programs
- j. Division of Environmental Protection, Mining and Reclamation
Surface Mining Reclamation Regulations
- k. Environmental Protection, Dept. of
Voluntary Remediation and Redevelopment Rule
- l. WV Board of Pharmacy
Registration of Pharmacy Technicians
- m. Board of Medicine
Formation and Approval of Professional Limited Liability Companies
- n. Insurance Commissioner
Medicare Supplement Insurance
- o. Insurance Commissioner
Valuation of Life Insurance Policies
- p. Insurance Commissioner
Diabetes Regulation
- q. Insurance Commissioner
Emergency Medical Services
- r. Insurance Commissioner
Utilization Management
- s. Insurance Commissioner
Replacement of Life Insurance

3. Other Business

- a. Dr. Henry Taylor, Commissioner, Bureau for Public Health and representatives of his staff:
Will respond to questions regarding Department of Health and Human Resources rules for county Health Departments regarding approval of septic tank systems.
- b. Sponsorship of Bills authorizing the Rules

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

use old form for minutes

DATE: February 10, 1997

TIME: 9:25 A.M.

| <u>NAME</u> | <u>Present</u> | <u>Absent</u> | <u>Yeas</u> | <u>Nays</u> |
|-------------|----------------|---------------|-------------|-------------|
|-------------|----------------|---------------|-------------|-------------|

HOUSE

Kiss, Robert, Speaker

Douglas, Vicki

~~Hunt, Mark, Co-Chair~~

Linch, Larry, Vice-Chair

Compton, Mary Pearl

Faircloth, Larry V.

Jenkins, Evan

Riggs, Dale

SENATE

Tomblin, Earl Ray, President

Ross, Michael, Co-Chair

Anderson, Leonard, Vice-Chair

Boley, Donna

Bowman, Edwin

Buckalew, Jack

Macnaughtan, Don

TOTAL

RE:

| |
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| |

FEBRUARY INTERIM SCHEDULE
Legislative Interim Meetings
February 9, 10 and 11, 1997

Monday, February 10, 1997

9:00 - 12:00 noon

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

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

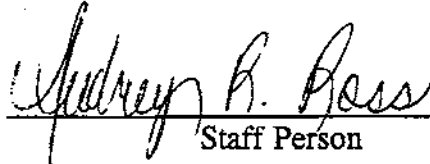
Senate

House

| | |
|-------------|------------|
| Ross, Chair | <u>✓</u> |
| Anderson | <u>✓</u> |
| Macnaughtan | <u> </u> |
| Boley | <u>✓</u> |
| Buckalew | <u> </u> |

| | |
|-------------------|----------|
| Douglas, Chair | <u>✓</u> |
| Linch, Vice Chair | <u>✓</u> |
| Compton | <u>✓</u> |
| Faircloth | <u>✓</u> |
| Riggs | <u>✓</u> |

I certify that the attendance as noted above
is correct.



Staff Person

Div. of Labor - Manufactured Housing

Quasbarth - unable to reach an agreement; responded to questions

Left Moore - gave C background on the proposed rule.

Approve as mod.

Compton
adopted

Gov's Comm - Basic Training

Joe reviewed status of the proposed rule.

Agency has agreed to reinstate lang - St Police to provide ammo.

Approve as mod.

Ross
adopted

DHHR - Interstate Income

Agency has agreed to stylistic mod.

Approve mod.

Ross
adopted

DHHR - Obtaining support

Agency has agreed

Approve as mod.

Compton
adopted

Tax - Raffles

Move to foot of ^{today's} agenda.

Ross
adopted

Family Protection - Operation

Rita explained - had proposed mod; responded to q.

Approve as mod.

Ross
adopted

DRP - Surface Mining

I explained proposed mod rule; agency approved rule; exceeded the agency's scope of authority. DRP has agreed to further modifications
John Ailes - Chief Off Surface Mining & Recl resp. to questions

R.O. Denson, Ex. Dir. - Surface Mine Assoc. - adopted

Approve as mod - adopted

Modify the proposed rule (Dist'd) p 8

Modify the proposed rule p 9

Ross
Triggs
Triggs
Triggs
adopted
adopted
adopted

Law - Charitable Raffles

I explained the proposed rule

John Montgomery - addressed questions; no prob w/setting mod

Approve as mod

Cody Starcher - Club Assoc

Mary Lou Clark responded to questions

Club Assoc mods + new 12.2.4 therein

Ch r is held simultaneously w/ a en superbrngs are the license may pay no more than 15 operators

Pharmacy - Pharm Techs

I responded to questions

William Douglas

Approve as mod

Ross
adopted

Health - Presidential Bd & Carr

Rita explained purpose of rule - in agreement on

substantial mods; responded to guests

Ray Howard - responded to g.

Sandra Dobman - Acting Dir. OAF

Approve as mod

Ross adopted

Health -

~~Nursing Home Licenses~~

I explained

Ray Howard responded to a

Approve as mod

Ross adopted

Ross - Cable TV - Implementing Regs 3.1.b
Strike

Mark Pelen, will code to Assoc; wants C to sponsor

bill directing the change

Delete 3.1.b & draft a bill

Ross adopted

Sponsorship of the Rules Bills - draft bills & put

all members of sponsors

Ross adopted

Meeting adjourned

~~Delegate~~^{1st} Douglas called meeting to order 9:25 a.m.
Minutes of Jan. 6, 1997 *l.v.* approved.

2/10/97

a. Division of Labor
Manufactured Housing Construction and Safety Standards

Order on Agenda: 1

Counsel: DAG

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule

Ruled by
MP Compton

(a) as originally filed

(b) as modified by the agency

1 Nay - Approved

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

Chris Quarebarth spoke = 3 of assoc. couldn't re agreement
Left Moore spoke - Believes the rule is no longer needed

Questions of council:

Compton to Quaesbarth

what was problem that the ~~2~~ 5 of 198x

Compton to Moore:

Rose to Moore:

of complaints increased at Dept. of labor

Jeff Moore wants the rule withdrawn

b.

Gov's Cmte. on Crime Delinquency and Correction
Basic Training Academy, Annual In-Service and Biennial In-Service....

Order on Agenda:

2

Counsel:

JAA

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Rosa motioned that rule be ↑

2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

ammunition costs was the issue } State Police will provide ammunition to State Police trainees

ch

f.

Department of Health and Human Resources - Child Support Enforcement Div.
Interstate Income Withholding

Order on Agenda: 3

Counsel: JAA

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Ross motion
move as modified

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation. _____

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation _____

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation. _____

5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

6. Moved to next interim meeting agenda (No action) _____

*Reflects federal requirements re attaching
individual wages.*

g.

Department of Health and Human Resources - Child Support Enforcement Div.
Obtaining Support from Federal and State Income Tax Refunds

Order on Agenda:

4

Counsel:

JAA

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Ross motion
to _____
_____ approved as modified _____

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation. _____

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation _____

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation. _____

5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

6. Moved to next interim meeting agenda (No action) _____

l
1/15

Family Protection Services Board
Operation of Family Protection Services Board and Licensure and Funding...

Order on Agenda:

5

Counsel:

RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation. _____

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation _____

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation. _____

5. Recommends that the rule be withdrawn. Reason for withdrawal: _____

6. Moved to next interim meeting agenda (No action) _____



Division of Environmental Protection, Mining and Reclamation
Surface Mining Reclamation Regulations

Order on Agenda:

6

Counsel:

JAA

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Approved
Approved

→ ^{of} First two modifications - Page 8 of Briefing Rule
→ Second modification - Page 9 of Briefing Rule

- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation.

- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation

- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation.

- 5. Recommends that the rule be withdrawn. Reason for withdrawal:

- 6. Moved to next interim meeting agenda (No action)

John Ales
K.O. Damron - Surface Mining

h.
2/1

Tax Division
Charitable Raffles

Moved to bottom of agenda

Order on Agenda:

7

Counsel:

DAG

Action Taken:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Numerous technical modifications
Condense changes into one modification
moved as modified

Ross

- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation.

- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation

- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation.

- 5. Recommends that the rule be withdrawn. Reason for withdrawal:

- 6. Moved to next interim meeting agenda (No action)

over
↓
John Montgomery - attorney Tax Dept
Sec. 2.1.6 / agreed to the modified

Cody Starcher

Mary Lou Clark - Pres. Club Assoc. of WVa.

al.

WV Board of Pharmacy
Registration of Pharmacy Technicians

Order on Agenda:

8

Counsel:

DAG

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency

Motion
Move rule as modified

2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

New rule before you.
William Douglass, Board of Pharmacy - Exec. Dir.

Questions of Counsel: Ross
What about the \$25 fee

Anderson -

No "grandfather clause"?

Reason rule was sent back for re-vamping.

20 hrs.

no \$25 fee nor \$10⁰⁰

C. Department of Health and Human Resources
Residential Board and Care Homes

Order on Agenda: 9

Counsel: RAP

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

Move rule as modified

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

*Repeals and replaces current rule. Emergency Rule
Kay Howard - needs copy of Chapter 16 Code 5.12c*

Sandra Dodman - Interim Director

Fire Marshall ~~File~~ should be referred
to

d. Department of Health and Human Resources
Nursing Home Licensure

Order on Agenda:

10

Counsel:

DAG

Action Taken:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency

move to approve rule as modified

2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation.

3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation

4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation.

5. Recommends that the rule be withdrawn. Reason for withdrawal:

6. Moved to next interim meeting agenda (No action)

Kay Howard

Other Business:

① Cable TV

§ ^{modification to} Title 187 Series

Requested: Strike 3.1.B from the current rule

Motion:

Move the ^{recommended} deletion ^{of the} 3.1.B ^{section} from the Bill

If ✓ authorized to draft the bill.

①
↑
Mr. Polan

② Sponsorship of Rules Bills

Motion by Ross

Senator Anderson moved to adjourn.