



DECEMBER

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, December 4, 2000
9 a.m. to 11 a.m.
Senate Judiciary Committee Room, W-208

1. **Approval of Minutes - November 12 and 13, 2000.**
2. **Review of Legislative Rules:**
 - a. **Tax Commissioner**
Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4
 - b. **Office of Air Quality**
To Prevent and Control Air Pollution from Combustion of Refuse, 45CSR6
 - c. **Division of Health**
Specialized Multipatient Medical Transport, 64CSR29
 - d. **Division of Health**
Body Piercing Studio Business, 64CSR80
 - e. **Division of Health**
Needlestick Injury Prevention, 64CSR82
 - f. **Board of Veterinary Medicine**
Schedule of Fees, 26CSR6
 - g. **Board of Architects**
Registration of Architects, 2CSR1
 - h. **Board of Architects**
Fees for Registration of Architects, 2CSR3
 - i. **Board of Examiners for Speech-Language Pathology and Audiology**
Rules Governing the Licensure of Speech-Language Pathology and Audiology, 29CSR1
 - j. **Radiologic Technology Board of Examiners**
Rules and Regulations of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1

- k. **Office of Air Quality**
NOx Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides, 45CSR1
- l. **Office of Air Quality**
Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61, 45CSR15
- m. **Office of Air Quality**
To Prevent and Control Emissions From Municipal Solid Waste Facilities, 45CSR23
- n. **Office of Air Quality**
To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage or Disposal Facilities, 45CSR25
- o. **Office of Air Quality**
Emission Standards for Hazardous Air Pollutants For Source Categories Pursuant to 40 CFR Part 63, 45CSR34
- p. **Office of Waste Management**
Waste Tire Management Rule, 33CSR5

3. **Other Business**

Monday, December 4, 2000

9 a.m. to 11 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

Hunt, Chairman

Absent

Anderson, Vice Chairman

Linch, Vice Chairman

Absent

Minard

Compton

Snyder

Jenkins

Absent

Unger

Faircloth

Minear

Riggs

Absent

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

The minutes of the November 12 and 13, 2000, meetings were approved.

Debra Graham, Committee Counsel, explained that the rule proposed by the *Tax Commissioner-Valuation of Percentage of Completion of Improvements and Infrastructure Development in a Recorded Plan or Plat, 110CSR4*, had been moved to the foot of the agenda at the Committee's November 12, 2000, meeting. She also explained that the interested parties had met and had come to an agreement on several areas of disagreement. Jerry Knight, Director of the Property Tax Division, explained the agreed upon proposed modifications and responded to questions. Beth Tomlinson, representing the West Virginia Home Builders Association, stated that she agrees with the proposed modifications.

Mr. Snyder moved that the Committee accept the agreed to proposed modifications. The motion was adopted.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Health-Specialized Multipatient Medical Transport, 64CSR29*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Division of Health-Body Piercing Studio Business, 64CSR80*, and stated that the Division has agreed to technical modifications. Ron Forren, from Environmental Health Services, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Health-Needlestick Injury Prevention, 64CSR82*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Board of Veterinary Medicine- Schedule of Fees, 26CSR6*, and stated that the Board has agreed to technical modifications. Wanda Goodwin, Executive Director of the Board, responded to questions from the Committee.

Mr. Anderson 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 Architects-Registration of Architects, 2CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Board of Architects-Fees for Registration of Architects, 2CSR3*, and stated that the Board has agreed to technical modifications.

Ms. Compton 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 Examiners for Speech-Language Pathology and Audiology-Rules Governing the Licensure of Speech-Language Pathology and Audiology, 29CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Radiologic Technology Board of Examiners-Rules and Regulations of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1*, and stated that the Board has agreed to technical modifications. Grady Bowyer, Executive Director of the Board, responded to questions from the Committee.

Mr. Unger moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

Joseph Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the *Office of Air Quality-NOx Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides, 45CSR1*, and stated that the Agency has agreed to technical modifications. John Benedict, Deputy Chief of the Office of Air Quality, responded to questions from the Committee.

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

Mr. Altizer explained the rule proposed by the *Office of Air Quality-Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61, 45CSR15*.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-To Prevent and Control Emissions From Municipal Solid Waste Facilities, 45CSR23*.

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

Mr. Altizer explained the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage or Disposal Facilities, 45CSR25*, and stated that the Agency has agreed to technical modifications.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-Emission Standards for Hazardous Air Pollutants for Source Categories Pursuant to 40 CFR Part 63, 45CSR34*.

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

Mr. Altizer explained the rule proposed by the *Office of Air Quality-Waste Tire Management Rule, 33CSR5*, and stated that the Agency has agreed to technical modifications.

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

The meeting was adjourned.



STATE OF WEST VIRGINIA
STATE TAX DEPARTMENT

CECIL H. UNDERWOOD
GOVERNOR

MEMORANDUM

JOSEPH M. PALMER
COMMISSIONER

November 15, 2000

TO: The Honorable Herb Snyder
West Virginia State Senate
and
Ms. Beth Thomasson
Executive Director
WV Homebuilders Association

VIA FAX

FAXED

FROM: Jerry A. Knight
Director
Property Tax Division

J.A.K.

RE: Compromise language to proposed Legislative Rule § 110 CSR 4

Attached, as you requested, is language modifying proposed Rule Title 110 Series 4 that was discussed in our meeting of November 14, 2000. As I will be in and out of the office in meetings most of today, I have provided the language modifications and I have left Section 4.4.1 Examples blank. If the attached meets with the approval of all concerned we can then decide whether to have examples or to leave this area out the proposed rule. Please review the attached and provide comments/recommendations regarding same.

If after review of the information herein contained you should have questions, please advise.

JAK/psp

Attachment

cc: Joseph M. Palmer
State Tax Commissioner

Robert A. Hoffman
Director, Legal Division

2.4 Comparable Lots – Lots contained in a filed plan or plat that are similarly situated and developed to or whose selling price has been adjusted to render them similarly situated and developed, to other lots, the value of which are being estimated for property tax purposes.

Re-number remaining definitions in Section 2.

4.1. The assessor or Tax Commissioner shall value the remaining lots in a recorded plan or plat using ~~a cost method of the valuation procedures~~ as described in this Section. The assessor or Tax Commissioner shall use ~~the value of the raw land and any costs associated with~~ determine the percentage of completion of improvements or infrastructure development that is in place as of the assessment date each year. The assessor or Tax Commissioner shall obtain the data necessary to value the remaining lots reflecting the most probable selling price of comparable lots as that term is defined in Section 2.4 of this Rule. The most probable selling price of comparable lots will then be multiplied by the percentage of completion of improvements and infrastructure development to yield the appraisal value of the remaining lots.

4.2 The raw land shall be valued at the same use as in the preceding year, unless the use has changed as of the assessment date. In the case of a sale of raw land, the assessor may use the purchase price of the raw land, if comparable to other similar raw land sales, for the valuation of the property. If the use, as of the assessment date, has changed to a use other than the use contemplated in the filed plan or plat or the designated proposed land use established by a county or municipal planning authority, the raw land shall be valued based upon its use as of the assessment date.

4.3 In the absence of the availability of data reflecting the selling price of comparable lots, the total expended costs or a percentage of expended costs associated with the development of the potential use as designated in the recorded plan or plat shall be added to the raw land value, yielding the value of the remaining lots.

4.4 The assessor shall annually review the percentage of completion of the improvements and infrastructure development. The property owner shall report on a supplement to the property tax return, the supplement being considered as part of the property tax return, the total estimated cost of improvements and the amount of the estimated costs expended and in-place as of the assessment date. The assessor shall determine, from information on the supplement to the property tax return and his or her physical review, the percentage of completion as of the assessment date. This percentage of completion shall be applied to the ~~cost of the improvements and infrastructure development~~ most probable selling price of comparable lots when available. The value obtained shall be added to the value assigned the raw land and ~~the sum is~~ the appraised value of the remaining lots. In the absence of the availability of data reflecting the most probable selling price of comparable lots, the percentage of

completion as of the assessment date shall be applied to the total cost of the improvements and infrastructure development. The value obtained shall be added to the value assigned to the raw land and the sum obtained shall be the appraised value of the remaining lots.

4.4.1. Examples:

4.5 When the assessor does not have the cost of improvements and infrastructure development, the assessor may use comparable recorded plans or plats with property of similar potential use as a guide. The assessor shall determine the percentage of completion in the same manner as if costs were known.

4.6 The assessor shall in no instance value the remaining unsold lots as managed timberland. The classification of recorded lots shall not change from Class III or Class IV to Class II until a developed lot or parcel is used and occupied by the owner thereof exclusively for residential purposes.

DECEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
December 3, 4 and 5, 2000

Monday, December 4, 2000

9:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

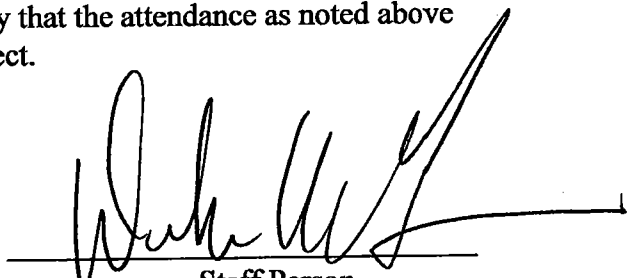
Senate

House

Ross, Chair	<input checked="" type="checkbox"/>
Anderson, Vice Chair	<input checked="" type="checkbox"/>
Minard	<input checked="" type="checkbox"/>
Snyder	<input checked="" type="checkbox"/>
Unger	<input checked="" type="checkbox"/>
Minear	<input checked="" type="checkbox"/>

Hunt, Chair	<input type="checkbox"/>
Linch, Vice Chair	<input type="checkbox"/>
Compton	<input checked="" type="checkbox"/>
Jenkins	<input type="checkbox"/>
Faircloth	<input checked="" type="checkbox"/>
Riggs	<input type="checkbox"/>

I certify that the attendance as noted above
is correct.



Staff Person

Terri Anderson

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b. Office of Air Quality

To Prevent and Control Air Pollution from Combustion of Refuse, 45CSR6

Approved as modified (c) Division of Health

Specialized Multipatient Medical Transport, 64CSR29

Approved as modified (d) Division of Health

Body Piercing Studio Business, 64CSR80

Approved as modified (e) Division of Health

Needlestick Injury Prevention, 64CSR82

Approved as modified (f) Board of Veterinary Medicine

Schedule of Fees, 26CSR6

Approved as modified (g) Board of Architects

Registration of Architects, 2CSR1

Approved as modified (h) Board of Architects


Fees for Registration of Architects, 2CSR3

Approved as modified (i) Board of Examiners for Speech-Language Pathology and Audiology

Rules Governing the Licensure of Speech-Language Pathology and Audiology, 29CSR1

Laid over til next meeting (j) Radiologic Technology Board of Examiners

Rules and Regulations of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1

Approved 
as modified

Office of Air Quality

NOx Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides, 45CSR1

Approved 

Office of Air Quality

Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61, 45CSR15

Approved 


Office of Air Quality

To Prevent and Control Emissions From Municipal Solid Waste Facilities, 45CSR23

Approved 
as modified

Office of Air Quality

To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage or Disposal Facilities, 45CSR25

Approved 

Office of Air Quality

Emission Standards for Hazardous Air Pollutants For Source Categories Pursuant to 40 CFR Part 63, 45CSR34

Approved 
as modified

Office of Waste Management

Waste Tire Management Rule, 33CSR5

3. Other Business

Monday, December 4, 2000

9:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard ✓
Snyder ✓
Unger ✓
Minear ✓

Hunt, Chair _____
Linch, Vice Chair _____
Compton ✓
Jenkins _____
Faircloth ✓
Riggs _____

Ross called meeting to order
Minutes Nov 12 & 13 2000 approved

Tax Commissioner - Value

I explained proposed mod.
Jerry Knight explained proposed mod &
responded to q's

Both Tomlinson, Home Builders - agrees w/mods

Snyder
adopted Mod agreed to by parties

Snyder
adopted Approve as mod

Health - Specialized

I explained

Anderson Approve as mod

Health - Body Piercing

I explained
Ran Foren responded to q's

Anderson
adopted Approve as mod

Health - Neelishet Injuy

I explained

Approve as mod

Anderson
adopted

Veterinary Medicine - Fees

I explained

Wanda Goodwin responded to g's

Approve as mod

Anderson
adopted

Architects - Reg

I explained

Architects - Fees

I explained

Approve as mod

Compton
adopted

Speech lang

I explained

Approve as mod

Anderson
adopted

Radiologic's Tech

I explained

Grady Boyer responded to g

may our till next meeting

Ungr
adopted

DAQ - NOX Budget Trading

Joe explained

John Benedict responded to q's

Anderson
adopted

Approve as mod

DAQ - Emission Stds 40 CFR 61

Joe explained

Approved

Farelusky
adopted

DAQ - Municipal Solid Waste

Joe explained

Approved

Snyder
adopted

DAQ - Prevent & Control

Joe explained

Approve as modified

Snyder
adopted

DAQ - Emission - 40 CFR 61

Joe explained

Approve

Anderson
adopted

OWM - Waste Tire

Joe explained

Approve as mod

Snyder
adopted