

APRIL 8



TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, April 8, 2003
10 a.m. to 11 a.m.
Senate Finance Committee Room, M-451

1. Approval of Minutes - January 6 and 7, 2003
2. Review of Legislative Rules:
 - a. State Fire Marshal
Certification of Electrical Inspectors, 103CSR1
 - b. Board of Architects
Registration of Architects, 2CSR1
 - c. Tax Commissioner
Alternative Resolution of Tax Disputes, 110CSR10G
 - d. Board of Examiners in Counseling
Fees, 27CSR2
 - e. Insurance Commissioner
Medicare Supplement Insurance, 114CSR24
 - f. Office of Miners' Health, Safety and Training
Rule Governing Reporting Requirements for Independent Contractors, 56CSR10
3. Other Business

Tuesday, April 8, 2003

10 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
Minard, Vice Chairman
Snyder Absent
Unger
Boley
Minear

Mahan, Chairman
Thompson, Vice Chairman
Cann
Kominar
Armstead
Faircloth Absent

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

The minutes of the January 6 and 7, 2003, meetings were approved.

Debra Graham, Committee Counsel, explained the rule proposed by the *State Fire Marshal-Certification of Electrical Inspectors, 103CSR1*, and stated that the Fire Marshal has agreed to technical modifications. Ms. Graham explained that the provisions regarding continuing education needed to be fleshed out concerning what constitutes a unit, approved providers and the number of continuing education units required. She also explained that the complaint process is insufficient in that there is no provision for a hearing or required due process for the person against whom a complaint has been lodged.

She and Anthony Carrico, Deputy State Fire Marshal, responded to questions from the Committee.

Mr. Minard moved that the proposed rule be approved as modified. After further discussion, Mr. Minard asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Ms. Boley moved to amend the proposed rule by including complaint procedures.

Mr. Unger moved to amend the proposed rule by adding language per Counsel's suggestion regarding continuing education.

Ms. Mahan moved that the proposed rule be laid over until the Committee's next meeting. 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. Mahan moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *State Tax Commissioner-Alternative Resolution of Tax Disputes, 110CSR10G*, and stated that the Commissioner has agreed to technical modifications. She and Bob Hoffman, Director of the Legal Division, responded to questions from the Committee.

Ms. Mahan 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 in Counseling-Fees, 27CSR2*, and stated that the Board has agreed to technical modifications. Jean Ann Johnson, Executive Director of the Board, responded to questions from the Committee.

Ms. Boley moved that paragraph 4.3.d of the proposed rule be modified by changing the biennial license renewal to \$150. The motion was adopted.

Connie Bowling, Associate Counsel, explained the rule proposed by the *Insurance Commissioner-Medicare Supplement Insurance, 114CSR24*.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Joseph Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the *Office of Miners' Health, Safety and Training-*

Rule Governing Reporting Requirements for Independent Contractors, 56CSR10, and stated that the Agency has agreed to technical modifications. He and Doug Conaway, Director of the Office, responded to questions from the Committee.

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

Daniel Kimble, Associate Counsel, explained to the Committee that the rule proposed by the *Department of Administration-Ingress and Egress of State Government Facilities, 148CSR16*, was withdrawn on March 31, 2003.

The meeting was adjourned.

APRIL INTERIM ATTENDANCE
Legislative Interim Meetings
April 6, 7 and 8, 2003

Tuesday, April 8, 2003

10:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair	<u>✓</u>
Minard, Vice Chair	<u>✓</u>
Snyder	<u> </u>
Unger	<u>✓</u>
Boley	<u>✓</u>
Minear	<u>✓</u>

House

Mahan, Chair	<u>✓</u>
Thompson, Rick, Vice Chair	<u>✓</u>
Cann	<u>✓</u>
Kominar	<u>✓</u>
Armstead	<u>✓</u>
Fairecloth	<u> </u>

I certify that the attendance as noted above is correct.



Staff Person

Rule-Making Review Committee
Terri Anderson

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, April 8, 2003
10 a.m. to 11 a.m.
Senate Finance Committee Room, M-451

1. Approval of Minutes - January 6 and 7, 2003
2. Review of Legislative Rules:

Lay Over a. State Fire Marshal
Certification of Electrical Inspectors, 103CSR1

- Technical Modifications

modified X. Board of Architects
Registration of Architects, 2CSR1

- Technical Modifications

modified X. Tax Commissioner
Alternative Resolution of Tax Disputes, 110CSR10G

- Technical Modifications

modified X. Board of Examiners in Counseling
Fees, 27CSR2

- Technical Modifications

as filed X. Insurance Commissioner
Medicare Supplement Insurance, 114CSR24

- NO Technical Modifications

modified X. Office of Miners' Health, Safety and Training
Rule Governing Reporting Requirements for Independent Contractors, 56CSR10

- Technical Modifications

3. Other Business

LOOK FOR CORRECTION ON ABSTRACT

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions
Anthony Carrico	Deputy State Fire Marshal			<input checked="" type="checkbox"/>

Minard moves the rule as modified
Minard withdraws motion

Boley Moved that the rule be (amended/modified) by:
incl complant procedure to rule on continuing education units

The motion was:

- Adopted
- Disapproved

Minard Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

2CSR1

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions

_____ Moved that the rule be (amended/modified) by:

The motion was:

- Adopted
- Disapproved

Mahan Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions
Bob Hoffman	State Tax Dept	?		<input checked="" type="checkbox"/>

_____ Moved that the rule be (amended/modified) by:

The motion was:

- Adopted
- Disapproved

Mchan Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

27CSR2

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions
Jean Ann Johnson		?		<input checked="" type="checkbox"/>

Boley Moved that the rule be (amended/modified) by:
 raise renewal fee from \$75 to \$150

The motion was:

- Adopted
- Disapproved

Mahan Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions

_____ Moved that the rule be (amended/modified) by:

The motion was:

- Adopted
- Disapproved

Mahan Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

- DAG
- JAA
- RAP
- CAB
- DEK

Explained the rule.

- Yes
- No

Responded to questions.

- Yes
- No

Modifications?

- Yes
- No

Agency agrees?

Name	Agency/Company	Title	Address Committee	Responded to Questions
Doug Conaway		Director		<input checked="" type="checkbox"/>

_____ Moved that the rule be (amended/modified) by:

The motion was:

- Adopted
- Disapproved

Mahan Moved that the rule be:

- approved as filed
- approved as modified
- approved as amended
- recommended for withdrawal
- laid over
- moved to the foot of the agenda

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v to rule

Tuesday, April 8, 2003

10:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair

Minard, Vice Chair

Snyder

Unger

Boley

Minear

✓
✓
✓
✓
✓
✓

House

Mahan, Chair

Thompson, Rick, Vice Chair

Cann

Kominar

Armstead

Faircloth

✓
✓
✓
✓
✓
✓

State Fire Marshal - Electrical Inspectors

Minard

Approve as modified

Architects

Mahan
adopted

Approve as mod

JC - Alternative

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners in Counseling

Address: Post Office Box 129, Ona, West Virginia 25545

1. Effect of Proposed rule:

	* ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER <i>Proposed increased Revenue</i>	\$67,500				

2. Explanation of Above Estimates:

This rule to raise the renewal fee will not subject the board to any additional costs. The rule change will not increase or decrease any of the above items. The increase requested is to keep the board operating.

3. Objectives of These Rules:

The majority of the Board's revenue is obtained through renewal fees. The current renewal fee needs to be raised so the board can continue to perform its duties over a two year period.

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* WIBEC renews licenses every other year

Rule Title: Fees

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: N/A

C. Economic Impact on Citizens/Public at Large.
N/A

Date: December 4, 2002 *Revised 4/17/03*

Signature of Agency Head or Authorized Representative:

Jean Ann Johnson

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review

Date 4/8/03

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Anthony Carrico	207 Quarror sh, 2nd Fl Charleston	state Fire Marshal	
Lexa C Lewis	P.O. Box 589 Huntington WV 25701-0589	Board of Architects	