

Monday, August 20, 2007

7:00 p.m. to 9:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair
Prezioso
Unger
Boley
Facemyer

Brown, Chairman
Miley, Vice Chair
Burdiss
Talbott
Overington
Sobonya

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

The minutes of the January 7 and 8, 2007, meeting were approved.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **Department of Agriculture, Frozen Desserts and Imitation Frozen Desserts, 61CSR4B**, and responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Agriculture, Auctioneers, 61CSR11B**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

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

Ms. Graham explained her abstract on the rule proposed by the, **Department of Agriculture, Fee Structure for the Pesticide Control Act of 1990, 61CSR12**, and responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Agriculture, Licensing of Pesticide Businesses, 61CSR12B**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

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

Ms. Graham explained her abstract on the rule proposed by the, **Department of Agriculture, West Virginia Plant Pest Act Rule, 61CSR14**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Steve Hanna, Deputy Commissioner for the Department of Agriculture, addressed the Committee and responded to questions.

Sherri Hutchinson, Assistant Director for the Department of Agriculture Pest Division, responded to questions from the Committee.

Ms. Brown 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 Agriculture, Inspection of Meat and Poultry, 61CSR16**, and responded to questions from the Committee.

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

Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the, **WV Massage Therapy Licensure Board, General Provisions, 194CSR1**, and responded to questions from the Committee.

Linda Lyter, Executive Director for the WV Massage Therapy Licensure Board, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Medical Imaging and Radiation Therapy Technology Board of Examiners, Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1**, stated that the Commission has agreed to technical modifications and responded to questions from the Committee.

Ms. Boley moved that the proposed rule be laid over until the next meeting. The motion was adopted.

The proposed rules by the **WV Medical Imaging and Radiation Therapy Technology Board of Examiners, Continuing Education, 18CSR2**, and **Standards of Ethics, 18CSR5** were laid over until the next meeting.

Ms. Graham explained her abstract on the rule proposed by the, **WV Nursing Home Administrators Licensing Board, Nursing Home Administrators Licensing Board, 21CSR1**, and stated that the Authority has agreed to technical modifications.

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

Connie Bowling, Associate Counsel, reviewed her abstract on the rule proposed by the, **WV State Police, Cadet Selection, 81CSR2**, stated that the Council has agreed to technical modifications.

Mr. Prezioso moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV State Police, West Virginia State Police Career Progression System, 81CSR3**, stated that the Council has agreed to technical modifications and responded to questions from the Committee.

Captain David Skeen with the WV State Police responded to questions from the Committee.

Elaine Harris with the WV Trooper's Association, addressed the Committee and responded to questions.

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

The proposed rule by the **WV State Police, West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10**, was laid over until the next meeting.

The meeting was adjourned.

AUGUST INTERIM ATTENDANCE
Legislative Interim Meetings
August 19, 20 and 21, 2007

Monday, August 20, 2007

7:00 pm - 9:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

Senate

Minard, Chair
Fanning, Vice Chair
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Boley
Facemyer

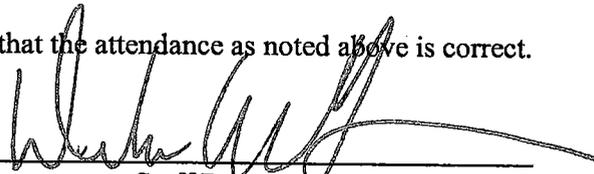
✓
✓
✓
✓
✓
✓
✓

House

Brown, Chair
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

✓
✓
✓
✓
✓
✓

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, August 20, 2007
7:00 p.m. and 9:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes** - Meeting of January 7 and 8, 2007
2. **Review of Legislative Rules:**
 - a. **Agriculture, Department of**
Frozen Desserts and Imitation Frozen Desserts, 61CSR4B
 - Approve
 - b. **Agriculture, Department of**
Auctioneers, 61CSR11B
 - Approve as Modified
 - c. **Agriculture, Department of**
Fee Structure for the Pesticide Control Act of 1990, 61CSR12
 - Approve
 - d. **Agriculture, Department of**
Licensing of Pesticide Businesses, 61CSR12B
 - Approve as Modified
 - e. **Agriculture, Department of**
West Virginia Plant Pest Act Rule, 61CSR14
 - Approve as Modified
 - f. **Agriculture, Department of**
Inspection of Meat and Poultry, 61CSR16
 - Approve
 - g. **WV Massage Therapy Licensure Board**
General Provisions, 194CSR1
 - Approve

- h. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**
Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1
 - Approve as Modified
- i. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**
Continuing Education, 18CSR2
 - Approve as Modified
- j. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**
Standard of Ethics, 18CSR5
 - Approve as Modified
- k. **Nursing Home Administrators Licensing Board**
Nursing Home Administrators, 21CSR1
 - Approve as Modified
- l. **WV State Police**
Cadet Selection, 81CSR2
 - Approve as Modified
- m. **WV State Police**
West Virginia State Police Career Progression System, 81CSR3
 - Approve as Modified
- n. **WV State Police**
West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10
 - Approve

3. **Other Business**

AUGUST 20

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Legislative Interim Meetings
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Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
 officio nonvoting member

Robert "Bob" Kiss, ex
 officio nonvoting member

Senate

House

Minard, Chair ✓
 Fanning, Vice Chair ✓
 Prezioso ✓
 Unger ✓
 Boley ✓
 Facemyer ✓

Brown, Chair ✓
 Miley, Vice Chair ✓
 Burdiss ✓
 Talbott ✓
 Overington ✓
 Sobonya ✓

- Minard called to order
- Fanning moved minutes to be approved
 motion adopted

- Agriculture 61 CSR 4B
 Debra explained & responded to ?'s
 Facemyer moved rule as approved
 motion adopted

- Agriculture 61 CSR 11B
 Debra explained & responded to ?'s
 Brown moved as modified
 motion adopted as modified ^{Approved}

- Agriculture 61CSR12
Debra explained & responded to ?'s
Brown moved as filed
Motion adopted

- Agriculture 61CSR12B
Debra explained & responded to ?'s
Brown moved as modified
Motion adopted

- Agriculture 61CSR14
Debra explained & responded to ?'s
Steve Hanna, Deputy Commissioner, addressed
the Committee & responded to ?'s
Sherei Hutchinsan, Assist. Dir, Pest Div., responded
to ?'s
Brown moved as modified
Motion adopted

- Agriculture 61CSR16
Debra explained & responded to ?'s
Brown moved as filed
Motion adopted

- Massage Therapy 194CSR1
Charlie explained & responded to ?'s
Kinda Lyter, Ex Dir, responded to ?'s
Brown moved as filed
Motion adopted

- Medical Imaging 18CSR1
Debra explained & responded to ?'s
Boley moved to lay over
Motion adopted

- Medical Imaging 18CSR2
Medical Imaging 18CSR5
Laid Over

- Nursing 21CSR1
Debra explained
Brown moved as modified
Motion adopted

- State Police 81CSR2
Connie explained
Pruyoso moved as modified
Motion adopted

- State Police 81CSR3

Connie explained & responded to ?'s
Captain David Skeen responded to ?'s
Elaine Harris, WV Troopers Association
addressed to Committee & responded to ?'s
Unge moved to Lay Over
Motion adopted

- State Police 81CSR10
Laid Over

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*Minard called meeting to order
Minutes approved*

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Approved ✓ **Agriculture, Department of**
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Approved ✓ **Agriculture, Department of**
as mod. **Fee Structure for the Pesticide Control Act of 1990, 61CSR12**

- Approve

Approved ✓ **Agriculture, Department of**
as mod. **Licensing of Pesticide Businesses, 61CSR12B**

- Approve as Modified

Approved ✓ **Agriculture, Department of**
as mod. **West Virginia Plant Pest Act Rule, 61CSR14**

- Approve as Modified

Approved ✓ **Agriculture, Department of**
as mod. **Inspection of Meat and Poultry, 61CSR16**

- Approve

Approved ✓ **WV Massage Therapy Licensure Board**
as mod. **General Provisions, 194CSR1**

- Approve

Laid over ^{h.}

Medical Imaging and Radiation Therapy Technology Board of Examiners, WV
Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1

- Approve as Modified

Laid over ^{i.}

Medical Imaging and Radiation Therapy Technology Board of Examiners, WV
Continuing Education, 18CSR2

- Approve as Modified

Laid over ^{j.}

Medical Imaging and Radiation Therapy Technology Board of Examiners, WV
Standard of Ethics, 18CSR5

- Approve as Modified

Approved ^{k.}
as modified

Nursing Home Administrators Licensing Board
Nursing Home Administrators, 21CSR1

- Approve as Modified

Approved ^{l.}
as modified

WV State Police
Cadet Selection, 81CSR2

- Approve as Modified

Laid over ^{m.}

WV State Police
West Virginia State Police Career Progression System, 81CSR3

- Approve as Modified

Laid over ^{n.}

WV State Police
West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10

- Approve

3. Other Business

None