

AUGUST *10*

Monday, August 10, 2009

10:00 a.m. to 12:00 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	Absent	Brown, Chairman	
Snyder, Vice Chair		Poling, Vice Chair	
Prezioso	Absent	Miley	Absent
Unger	Absent	Talbott	
Boley		Overington	
Facemyer		Sobonya	

The meeting was called to order by Delegate Brown, Chair.

Delegate Brown moved that the minutes of the July 15, 2009, meeting be approved. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Department of Agriculture, Integrated Pest Management Programs in Schools and Child Care Centers/Facilities, 61CSR12J**, and stated that the Department has agreed to technical modifications.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Miss Graham reviewed her abstract on the rule proposed by the **WV Health Care Authority, Hospital Ambulatory Health Care Facilities, 65CSR27**, stated that the Authority has agreed to technical modifications and responded to questions from the Committee.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Miss Graham explained her abstract on the rule proposed by the **WV Division of Natural Resources, Commercial Whitewater Outfitters, 58CSR12**.

Delegate Poling moved that the proposed rule be approved. The motion was adopted.

Miss Graham explained her abstract on the rule proposed by the **WV Division of Natural Resources, Deer Hunting Rule, 58CSR50**, and stated that the Division has agreed to technical modifications.

Delegate Poling moved that the proposed rule be approved as modified. The motion was adopted.

Miss Graham explained her abstract on the rule proposed by the WV State Tax Department, *Consumer Sales and Service Tax and Use Tax Exemptions Mandated Pursuant to Executive Order 10-09 Referring to Purchases of Mobile Homes, Building Materials and Supplies, Bottled Water, Cleaning Supplies, and Other Supplies Used for Flood Relief; Affordable Housing Trust Fee Not Exempt*, 110CSR15J, stated that the Authority has agreed to technical modifications and responded to questions from the Committee.

Delegate Facemyer moved that the proposed rule be laid over for further consideration. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the WV Office of Miners' Health, Safety and Training, Rules and Regulations Governing the Safety of Miners Employed in and Around River Loadouts, 56CSR14, stated that the Office has agreed to technical modifications and responded to questions from the Committee.

Barry Koerber, Assistant Attorney General assigned to the Office of Miners' Health, Safety and Training, responded to questions from the Committee.

Chris Hamilton with the West Virginia Coal Association addressed the Committee and responded to questions.

Ted Hapney with the United Mine Workers addressed the Committee and responded to questions.

Delegate Poling moved that the proposed rule be laid over for further consideration. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the WV Office of Miners' Health, Safety and Training, *Rules and Regulations Governing Subpoenas of Mine Inspectors*, 56CSR15, stated that the Office has agreed to technical modifications and responded to questions from the Committee.

Delegate Poling moved that the Office withdraw the proposed rule. The motion was adopted.

Delegate Poling moved to adjourn the meeting. The motion was adopted.

AUGUST INTERIM ATTENDANCE

Legislative Interim Meetings

August 10, 11 and 12, 2009

Monday, August 10, 2009

10:00 am - 12:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

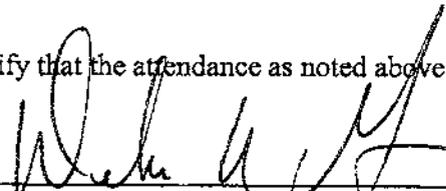
Senate

Minard, Chair
Snyder, Vice Chair
Prezioso
Unger
Boley
Facemyer

House

Brown, Chair
Poling, D., Vice Chair
Miley
Talbott
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 10, 2009
10:00 a.m. to 12:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes - Meetings of July 15, 2009**
2. **Review of Legislative Rules:**
 - a. **Agriculture, WV Department of**
Integrated Pest Management Programs in Schools and Child Care Centers/Facilities
61CSR12J
 - **Approve as Modified**
 - b. **Health Care Authority, WV**
Hospital Ambulatory Health Care Facilities
65CSR27
 - **Approve as Modified**
 - c. **Natural Resources, WV Division of**
Commercial Whitewater Outfitters
58CSR12
 - **Approve**
 - d. **Natural Resources, WV Division of**
Deer Hunting Rule
58CSR50
 - **Approve as Modified**
 - e. **Tax Department, WV State**
Consumer Sales and Service Tax and Use Tax Exemptions Mandated Pursuant to Executive Order 10-09 Referring to Purchases of Mobile Homes, Building Materials and Supplies, Bottled Water, Cleaning Supplies, and Other Supplies Used for Flood Relief; Affordable Housing Trust Fee Not Exempt
110CSR15J
 - **Approve as Modified**

f. **Miners' Health, Safety and Training, WV Office of**
Rules and Regulations Governing the Safety of Miners Employed
in and Around River Loadouts
56CSR14

- **Approve as Modified**

g. **Miners' Health, Safety and Training, WV Office of**
Rules and Regulations Governing Subpoenas of Mine Inspectors
56CSR15

- **Approve as Modified**

3. **Other Business**

AUGUST INTERIM ATTENDANCE
Legislative Interim Meetings
August 10, 11 & 12, 2009

Monday, August 10, 2009

10:00 a.m. - 12:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
 officio nonvoting member

Richard Thompson, ex
 officio nonvoting member

Senate

House

Minard, Chair	_____
Snyder, Vice Chair	_____✓_____
Prezioso	_____
Unger	_____
Boley	_____✓_____
Facemyer	_____✓_____

Brown, Chair	_____✓_____
Poling, Vice Chair	_____✓_____
Miley	_____
Talbott	_____✓_____
Overington	_____✓_____
Sobonya	_____✓_____

- Brown called meeting to order
- Brown moved minutes - Approved
 of July 15, 2009
- Agriculture 61CSR12J
 Debra explained
 Poling moved Rule as modified
 Approved
- Health Care 65CSR27
 Debra explained & responded to ?'s
 Poling moved Rule as modified
 Approved

- Natural Resources 58CSR12

Debra explained

Poling moved rule
approved

- Natural Resources 58CSR50

Debra explained

Poling moved rule as modified
Approved

- TAX 110CSR15J

Debra explained & responded to ?'s
Facemeyer moved to lay over
Approved

- Miners' ^{Health} 56CSR14

Brian explained & responded to ?'s

Barry Keeber, Assistant Attorney General

assigned to the Office of Miners'

Health, Safety & Training responded

to ?'s from the Committee

Chris Hamilton, WU Coal Association, addressed

the Committee and responded to ?'s

Teddy Hapney with United Mine Workers

addressed the Committee & responded to ?'s

Poling moved to lay over

Approved

- Miners' Health 56CSR15

Brian explained & responded to ?'s

Paling moved that the Rule be withdrawn

Debra responded to ?'s

Motion Approved

- Paling moved to adjourn. Adopted

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Aug. 10, 2009

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
Marionne Legines	100 Dee Drive	Health Care Authority	65CSR27 (b)	