

October 11, 2010

Monday, October 11, 2010

1:00 p.m. to 3:00 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

Minard, Chairman
Snyder, Vice Chair
Prezioso
Unger
Boley
Facemyer

House

Brown, Chairwoman
Poling, Vice Chair
Fleischauer
Talbott
Overington
Sobonya
Absent
Absent

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

Senator Minard moved that the minutes of the September 13, 2010, meeting be approved. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Bureau for Public Health, Cancer Registry, 64CSR68**, and responded to questions from the Committee.

Loretta Hattie with the Bureau for Public Health responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Miss Graham reviewed her abstract on the rule proposed by the **WV Bureau for Public Health, Maternal Risk Screening, 64CSR97**, stated that the Bureau has agreed to technical modifications and responded to questions from the Committee.

John Law, Assistant to the Secretary of the WV Bureau for Public Health, responded to questions from the Committee.

Senator Minard 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, Commercial Patent Incentives Tax Credit, 110CSR13Q**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Miss Graham reviewed her abstract on the rule proposed by the **State Tax Department, Exchange of Information Agreement Between the State Tax Department and the West Virginia Lottery, 110CSR50E**, and responded to questions from the Committee.

John Montgomery with the State Tax Department responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Miss Graham explained her abstract on the rule proposed by the **State Tax Department, Exchange of Information Agreement Between the State Tax Department and the Office of the State Fire Marshal, 110CSR50F**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Mr. Montgomery responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Charles Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **WV Board of Barbers and Cosmetologists Procedures, Criteria and Curricula for Examinations and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians, 3CSR1**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Barbers and Cosmetologists, Qualifications, training, examination and licensure of instructors, 3CSR2**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Barbers and Cosmetologists, Operational Standards for Schools of Barbering and Cosmetology, 3CSR4**, and stated that the Board has agreed to technical modifications.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Barbers and Cosmetologists, Schedule of Fees, 3CSR6**, and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Brian Skinner, Associate Counsel, reviewed his abstract on the rule proposed by the **Workforce West Virginia, Employer Violator System, 96CSR3**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Skinner explained his abstract on the rule proposed by the **Insurance Commissioner, Insurance Adjusters, 114CSR25**, and stated that the Agency has agreed to technical modifications.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Skinner reviewed his abstract on the rule proposed by the **Insurance Commissioner, Valuation of Life Insurance Companies, 114CSR68**, and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Mr. Skinner explained his abstract on the rule proposed by the **Insurance Commissioner, Recognition of preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities, 114CSR69A**.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Mr. Skinner reviewed his abstract on the rule proposed by the **Insurance Commissioner, Professional Employer Organizations, 114CSR85**, and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the **Governor's Committee on Crime, Delinquency and Correction, Law Enforcement Training Standard, 149CSR2**, and stated that the Agency has agreed to technical modifications.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley reviewed her abstract on the rule proposed by the **Governor's Committee on Crime, Delinquency and Correction, Protocol for Law enforcement Response to Domestic Violence, 149CSR3**, and stated that the Agency has agreed to technical modifications.

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

Senator Minard moved to adjourn the meeting. The motion was adopted.

OCTOBER INTERIM ATTENDANCE
Legislative Interim Meetings
October 11, 12 and 13, 2010

Monday, October 11, 2010

1:00 pm - 3:00 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
Fleischauer
Talbot
Overington
Sobonya

✓

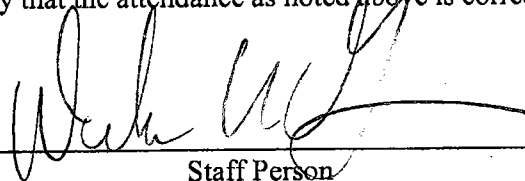
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✓

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✓

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, October 11, 2010
1:00 p.m. to 3:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes - Meetings of September 13, 2010**
2. **Review of Legislative Rules:**
 - a. **WV Bureau for Public Health**
Cancer Registry
64CSR68
 - Approve
 - b. **WV Bureau for Public Health**
Maternal Risk Screening
64CSR97
 - Approve as Modified
 - c. **State Tax Department**
Commercial Patent Incentives Tax Credit
110CSR13Q
 - Approve as Modified
 - d. **State Tax Department**
Exchange of Information Agreement Between the State Tax
Department and the West Virginia Lottery
110CSR50E
 - Approve
 - e. **State Tax Department**
Exchange of Information Agreement Between the State Tax
Department and the Office of the State Fire Marshal
110CSR50F
 - Approve as Modified
 - f. **WV Board of Barbers and Cosmetologists**
Procedures, Criteria and Curricula for Examinations and
Licensure of Barbers, Cosmetologists, Manicurists and
Aestheticians
3CSR1
 - Approve as Modified

- g. **WV Board of Barbers and Cosmetologists**
Qualifications, training, examination and licensure of
instructors
3CSR2
- Approve as Modified
- h. **WV Board of Barbers and Cosmetologists**
Operational Standards for Schools of Barbering and
Cosmetology
3CSR4
- Approve as Modified
- i. **WV Board of Barbers and Cosmetologists**
Schedule of Fees
3CSR6
- Approve
- j. **Workforce West Virginia**
Employer Violator System
96CSR3
- Approve as Modified
- k. **Insurance Commissioner**
Insurance Adjusters
114CSR25
- Approve as Modified
- l. **Insurance Commissioner**
Valuation of Life Insurance Companies
114CSR68
- Approve
- m. **Insurance Commissioner**
Recognition of preferred Mortality Tables for Use in
Determining Minimum Reserve Liabilities
114CSR69A
- Approve
- n. **Insurance Commissioner**
Professional Employer Organizations
114CSR85
- Approve

- o. **Governor's Committee on Crime, Delinquency and Correction**
Law Enforcement Training Standard
149CSR2
 - Approve as Modified

- p. **Governor's Committee on Crime, Delinquency and Correction**
Protocol for Law enforcement Response to Domestic Violence
149CSR3
 - Approve as Modified

3. Other Business

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
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110CSR50F
 - f. **WV Board of Barbers and Cosmetologists**
Procedures, Criteria and Curricula for Examinations and
Licensure of Barbers, Cosmetologists, Manicurists and
Aestheticians
3CSR1
 - g. **WV Board of Barbers and Cosmetologists**
Qualifications, training, examination and licensure of
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3CSR2
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Operational Standards for Schools of Barbering and
Cosmetology
3CSR4

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 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 ✓
 Fleischauer _____
 Talbott _____
 Overington ✓
 Sobonya ✓

*Take
 Track 13*

- ✓ Brown called meeting to order
- Minard moved to approve minutes - Approved
- ~~Health~~ Health 64CSR68
 Debra explained & responded to ?'s
 Loretta Haight w/ Bureau responded to ?'s
 Minard moved rule
 Approve ↓
- Health 64CSR 97
 Debra explained & responded to ?'s
 John Law, Asst. Secretary, responded to ?'s
 Minard moved as modified
 Approve ↓

- TAX 110CSR 13Q

Debra explained & responded to ?'s
Minard moved as modified
Approved

- TAX 110CSR 50E

Debra explained & responded to ?'s
Minard moved rule
Approved

John Montgomery, w/ TAX responded to ?'s

- TAX 110CSR 50F

John Montgomery
w/ TAX responded to ?'s
Debra explained & responded to ?'s
Minard, moved as modified
Approved

- Barbers 3CSR1

Charlie explained & responded to ?'s
Minard moved as modified
Approved

- Barbers 3CSR2

Charlie explained & responded to ?'s
Minard moved as modified
Approved

- Barbers 3CSR4
Charlie explained
Minard moved as modified
Approved

- Barbers 3CSR6
Charlie explained & responded to ?
Minard moved rule
Approved

- Workforce WU 96CSR3
Brian explained & responded to ?
Minard moved as modified
Approved

- Insurance 114CSR25
Brian explained
Minard moved as modified
Approved

- Insurance 114CSR68
Brian explained & responded to ?
Minard moved rule
Approved

- Insurance 114CSR 69A

Brian explained

Minard moved rule

Approved

- Insurance 114CSR 85

Brian explained & responded to ?'s

Minard moved rule

Approved

- Gov. Comm. on Crime ... 149CSR 2

Rita explained

Minard moved as modified

Approved

- Gov. Comm. on Crime ... 149CSR 3

~~Minard~~ Minard moved lay over

Minard moved to adjourn

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 - b. ✓ **WV Bureau for Public Health**
Maternal Risk Screening
64CSR97
 - Approve as Modified
 - c. ✓ **State Tax Department**
Commercial Patent Incentives Tax Credit
110CSR13Q
 - Approve as Modified
 - d. ✓ **State Tax Department**
Exchange of Information Agreement Between the State Tax
Department and the West Virginia Lottery
110CSR50E
 - Approve
 - e. ✓ **State Tax Department**
Exchange of Information Agreement Between the State Tax
Department and the Office of the State Fire Marshal
110CSR50F
 - Approve as Modified
 - f. ✓ **WV Board of Barbers and Cosmetologists**
Procedures, Criteria and Curricula for Examinations and
Licensure of Barbers, Cosmetologists, Manicurists and
Aestheticians
3CSR1
 - Approve as Modified

- g ✓ **WV Board of Barbers and Cosmetologists**
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instructors
3CSR2
- Approve as Modified
- h ✓ **WV Board of Barbers and Cosmetologists**
Operational Standards for Schools of Barbering and
Cosmetology
3CSR4
- Approve as Modified
- i ✓ **WV Board of Barbers and Cosmetologists**
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3CSR6
- Approve
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96CSR3
- Approve as Modified
- k ✓ **Insurance Commissioner**
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114CSR25
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114CSR68
- Approve
- m ✓ **Insurance Commissioner**
Recognition of preferred Mortality Tables for Use in
Determining Minimum Reserve Liabilities
114CSR69A
- Approve
- n ✓ **Insurance Commissioner**
Professional Employer Organizations
114CSR85
- Approve

o ✓ **Governor's Committee on Crime, Delinquency and Correction**
Law Enforcement Training Standard
149CSR2

- Approve as Modified

*Lay
Over* p.

Governor's Committee on Crime, Delinquency and Correction
Protocol for Law enforcement Response to Domestic Violence
149CSR3

- Approve as Modified

3. Other Business

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1. **Approval of Minutes - Meetings of September 13, 2010**

2. **Review of Legislative Rules:**

Approved w/

WV Bureau for Public Health
Cancer Registry
64CSR68

Ann Williams
Loretta Heddy

- **Approve**

*Approved &
as modified*

WV Bureau for Public Health
Maternal Risk Screening
64CSR97

- **Approve as Modified**

*Approved w/
as modified*

State Tax Department
Commercial Patent Incentives Tax Credit
110CSR13Q

John
Montgomery

- **Approve as Modified**

Approved w/

State Tax Department
Exchange of Information Agreement Between the State Tax
Department and the West Virginia Lottery
110CSR50E

- **Approve**

*Approved w/
as modified*

State Tax Department
Exchange of Information Agreement Between the State Tax
Department and the Office of the State Fire Marshal
110CSR50F

- **Approve as Modified**

*Approved w/
as modified*

WV Board of Barbers and Cosmetologists
Procedures, Criteria and Curricula for Examinations and
Licensure of Barbers, Cosmetologists, Manicurists and
Aestheticians
3CSR1

- **Approve as Modified**

Approved *vs.*
as modified

WV Board of Barbers and Cosmetologists
Qualifications, training, examination and licensure of
instructors
3CSR2

- Approve as Modified

Approved *vs.*
as modified

WV Board of Barbers and Cosmetologists
Operational Standards for Schools of Barbering and
Cosmetology
3CSR4

- Approve as Modified

Approved *vs.*

WV Board of Barbers and Cosmetologists
Schedule of Fees
3CSR6

- Approve

Approved *vs.*
as modified

Workforce West Virginia
Employer Violator System
96CSR3

- Approve as Modified

Approved *vs.*
as modified

Insurance Commissioner
Insurance Adjusters
114CSR25

- Approve as Modified

Approved *vs.*

Insurance Commissioner
Valuation of Life Insurance Companies
114CSR68

- Approve

Approved *vs.*

Insurance Commissioner
Recognition of preferred Mortality Tables for Use in
Determining Minimum Reserve Liabilities
114CSR69A

- Approve

Approved *vs.*

Insurance Commissioner
Professional Employer Organizations
114CSR85

- Approve

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Approved w/

**WV Bureau for Public Health
Cancer Registry
64CSR68**

*Ann Williams
Loretta Heddy*

- Approve

*Approved w/
as modified*

**WV Bureau for Public Health
Maternal Risk Screening
64CSR97**

- Approve as Modified

*Approved w/
as modified*

**State Tax Department
Commercial Patent Incentives Tax Credit
110CSR13Q**

*John
Montgomery*

- Approve as Modified

Approved w/

**State Tax Department
Exchange of Information Agreement Between the State Tax
Department and the West Virginia Lottery
110CSR50E**

- Approve

*Approved w/
as modified*

**State Tax Department
Exchange of Information Agreement Between the State Tax
Department and the Office of the State Fire Marshal
110CSR50F**

- Approve as Modified

*Approved w/
as modified*

**WV Board of Barbers and Cosmetologists
Procedures, Criteria and Curricula for Examinations and
Licensure of Barbers, Cosmetologists, Manicurists and
Aestheticians
3CSR1**

- Approve as Modified

Approved ✓
as modified

Governor's Committee on Crime, Delinquency and Correction
Law Enforcement Training Standard
149CSR2

- Approve as Modified

Laid
over

✓

Governor's Committee on Crime, Delinquency and Correction
Protocol for Law enforcement Response to Domestic Violence
149CSR3

- Approve as Modified

3. Other Business

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Talbot
Overington
Sobonya

minutes approved

Health - Cancer Registry

Loretta Huddy responded to questions

Health - Maternal

John Law responded to questions